

Pramod Vs Valhyabai.

Order below Exh.19.

- 1) Plaintiff moved application under Order 26 Rule 9 of the Code of Civil Procedure (in short C.P.C.) for appointment of Commissioner for the purpose of measuring encroached area out of City Survey No.3487, situated at Nandgaon, Dist. Nashik (hereinafter referred as 'suit property').
- 2) Defendants reported formal objection.
- 3) Heard both sides.
- 4) Perused plaint and Written Statement.
- 5) Plaintiff has filed suit for Permanent Injunction and for Removal of Encroachment. In view of this, no prejudice will be caused to the defendants, if at all encroached area subjected to measurement. Obviously, plaintiff is ready to bear costs. Hence, in the interest of justice following order is passed :-

ORDER

- 1) Application (Exh.19) is allowed.
- 2) Deputy Superintendent of Land Record, Nandgaon, Dist. Nashik be appointed as Court Commissioner, to measure the encroached area out of the property as mentioned in Plaint Paragraph No.1.

- 3) Court Commissioner shall conduct measurement as per Rules and shall furnish report to this Court within three months from the date of receipt of commissioner writ.
- 4) Plaintiff shall pay requisite commission fees. Plaintiff shall supply all the relevant documents.
- 5) Issue commission writ accordingly.

Date :21/11/2017.

(Smt. P.R. Dandekar)
Civil Judge, Junior Division,
Nandgaon, Dist.Nashik.