

ORDER BELOW EXH. 42 IN R.D. NO. 9/1996
(Rakhamabai Kapadi V/s. Dnyaneshwar Kapadi)

1. This is an application filed by the decree holders seeking appointment of new Court Commissioner for the partition of suit property as per the judgment and decree passed in R.C.S. No. 135/1983.

2. I have perused the decree and execution proceeding. The decree is regarding house property bearing Grampanchayat House No. 57/1 situated at Mauje Nimgaon Tal. Sinnar. In the present proceeding the learned advocate Shri.R.S. Darade was previously appointed as Court Commissioner for effecting the partition above house property and he has filed a Commission Report below Exh. 38. After perusing the said report it reveals that, the commission was not done as there was variance in the dimensions of decreetal property. Admittedly, the decree is passed regarding Grampanchayat house No. 57/1. In the decree the boundary marks of the above house property are specifically mentioned. So considering the age of matter and the reasons mentioned in the application I proceed to pass following order.

ORDER

1. Application is allowed.
2. Shri. B.S. Bhatjire, Advocate Sinnar is hereby appointed as Court Commissioner for effecting the partition of the house property bearing Grampanchayat No. 57/1 situated at Mauje Nimgaon Tal. Sinnar.
3. The Court Commissioner is directed to effect the partition of house property and submit his Commission report.
4. Decree holders are directed to pay the Commission fee of Rs. 1,200/- (Rs. One Thousand Two Hundred Only) to the Court Commissioner.
5. The decree holders are directed to furnish the necessary documents to the Court Commissioner.
6. Issue notice to the Court Commissioner accordingly.

Date: 07/08/2017
Sinnar.

Sd/xxx
(V.S. Wagh)
2nd Jt. Civil Judge Jr. Dvn.
Sinnar.