

ORDER BELOW EXH.13

(CNR-MH0S07-001533-2021)

The application of plaintiff's is for appointment of Court Commissioner for measurement of suit properties. This application is supported by affidavit of plaintiff no.1. In this application with help of Court Commissioner plaintiffs want for measurement their suit properties i.e. Gat no.29/3 having area 00 H 69 R, Gat no.29/4/3 having area 00 H 36 R, Gat no.30/3 having area 00 H 64 R and Gat no.30/4/3 having area 00 H 32 R which belongs to plaintiff no. 1, Gat no.29/3 having area 00 H 68 R barren land 00 H 1 R, Gat no.29/4/3 having area 00 H 34 R, Gat no.30/3 having area 00 H 64 R barren land 00 H 01 R and Gat no.30/4/3 having area 00 H 31 R barren land 00 H 01 R which belongs to plaintiff no. 2, Gat no.29/3 having area 00 H 69 R, Gat no.29/4/3 having area 00 H 34 R which belong to plaintiff no.3 and Gat no.30/3 having area 00 H 64 R barren land 00 H 01 R and Gat no.30/4/3 having area 00 H 31 R barren land 00 H 01 R which belongs to plaintiff no. 4 situated at village Madaj, Tal. Omerga, Dist. Dharashiv, the said properties here in after referred as suit properties for the sake of brevity in order.

2. Record shows that defendant no. 1 to 3 appeared on 16/03/2023 but failed to file written statement. Hence, this application proceed without their reply and record shows that matter proceed ex-parte against the defendant no. 4 to 10.

3. The contents in the application is that the suit for demarcation of boundaries of suit properties and perpetual injunction against defendants. According to plaintiffs suit properties is adjacent to the land of defendants. Defendants are intending to encroach upon the suit properties. Therefore, it is necessary to measure suit properties and for that it is necessary to appoint Dy. Superintendent, Land Record, Omerga for doing measurement of the suit properties situated at Madaj, Tal. Omerga, Dist. Dharashiv

4. Record shows that dispute between parties is for landed properties and more specifically extent to the share of plaintiffs. The suit of plaintiffs is for demarcation of boundaries of suit properties and perpetual injunction. Therefore without measuring entire Gat no.29 and Gat no.30 at Madaj, Tal. Omerga, Dist. Dharashiv it is very difficult to mark land of plaintiffs and on how much area

defendants are intending to be encroach. Therefore, for fair trial and to bring actual situation of the suit properties on record and to avoid controversy between parties measurement of suit properties. Hence following order.

ORDER

- I. Application Exh.13 is hereby allowed in the following manner:
- II. T.I.L.R., Omerga is hereby appointed as Court Commissioner for the purpose of commission.
- III. The Court Commissioner shall secure public record relating to disputed properties, ascertain undisputed or settled boundaries, measure suit properties and land of defendants.
- IV. The Court Commissioner is directed to furnish detail report and map of disputed site by showing land of plaintiff and encroachment if any.
- V. The Court Commissioner may inspect the record of this case during working hours of the Court.
- VI. Plaintiffs and defendants shall co-operate to the Court Commissioner.
- VII. Court Commissioner is directed to carry out the measurement and this commission work with due notice to all the concerned parties.
- VIII. Plaintiffs are directed to bear expenses of such commission as per rules, further directed to provide copies of relevant documents relating to the said suit properties to the Court Commissioner forthwith.
- IX. Issue writ of commission accordingly.

Sd/-

Dated : 21-08-2024

(Smt.S.H.Rathi)
2nd Jt Civil Judge J.D., Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word as per the original Judgment/order.

Name of Stenographer	---	S.B.Sagar
Court	---	2 nd Jt. C.J.J.D. & J.M.F.C., Omerga
Date	---	21-08-2024
Order signed by the Presiding Officer on	---	21-08-2024
Order uploaded on	---	21-08-2024