

ORDER BELOW EXH.8
(CNR-MH0S07-002778-2022)

The application of plaintiff for appointment of court commissioner is supported by his affidavit. By way of this application with help of court commissioner plaintiff want for measurement of suit property gut no. 142/1 having area 01 H 79 R belongs to him, situated at Narangwadi Tal. Omerga, Dist. Dharashiv, the said property here in after referred as suit property for the sake of brevity in order.

2. The defendants strongly opposed this application.

3. The contents in the application is that the suit of plaintiff is for demarcation of boundaries of suit property and perpetual injunction against defendants. According to plaintiff suit property is adjacent to the land of defendants. Defendants are intending to encroach upon the suit property. Therefore, it is necessary to measure suit property and for that it is necessary to appoint Dy. Superintendent, Land Record, Omerga for doing measurement of the suit property bearing gut No. 142//1 admeasuring 1-H 79-R situated at Narangwadi, Tq. Omerga, Dist. Dharashiv.

4. Record shows that dispute between parties is for area of landed property and more specifically extent to the share of plaintiff. The suit of plaintiff is for demarcation of boundaries of suit property and perpetual injunction against it. Therefore without measuring gut no.142/1 admeasuring 1-H 79-R it is very difficult to mark land of plaintiff and on how much area defendants are intending to be encroach. Therefore, for fair trial and to bring actual situation of the suit property on record and to avoid controversy between parties measurement of suit property. Hence following order.

ORDER

- I. Application Exh.8 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 property, ascertain undisputed or settled boundaries, measure suit property 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. Plaintiff 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. Plaintiff is directed to bear expenses of such commission as per rules. He is further directed to provide copies of relevant documents relating to the said suit property to the court commissioner forthwith.
- IX. Issue writ of commission accordingly.

Sd/-

Dated : 21-03-2024

(**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	---	21-03-2024
Order signed by the Presiding Officer on	---	21-03-2024
Order uploaded on	---	22-03-2024