

ORDER BELOW EXH. 24

1] This is an application filed by the plaintiff to appoint Court Commissioner to measure the properties of the parties.

2] Perused the application and say thereon. Heard both sides at length.

3] In view of the judgment of Hon'ble Supreme Court in the case of Haryana Waqf Board Vs. Shanti Sarup & Ors. (2008) 8 SCC 671 and the judgment of Hon'ble High Court Bombay in Writ Petition No. 6467 Kolhapuri Bandu Lakade Vs. Yallappa Chinappa Lakade, it is well settled that when the real dispute is regarding demarcation of the disputed land it is appropriate to appoint Court Commissioner for measuring the lands.

4] It is to be remembered that merely because Court Commissioner is appointed it will not prejudice the interest of either of the parties. If any of the parties is aggrieved by the report of the Court Commissioner, an opportunity would be available to that party to cross examine the Court Commissioner and to point out as to how his conclusions were not correct. Further the party who is not aggrieved would also prove how his conclusions are correct.

5] For the aforesaid reasons, I hold that the application deserves to be allowed and pass the following order.

ORDER

1] Application at Exh. 24 is allowed

- 2] Dy. Superintendent of Land Record Paranda is appointed as the Court Commissioner to visit and measure lands of all the parties mentioned in the plaint after giving notice in writing to both the parties or their advocates regarding day and time of his visit for commission work and asking them to remain present at the time of commission work. Both the parties are directed to appear before the commissioner accordingly.
- 3] The Commissioner's fees shall be paid by the plaintiff.
- 4] The Commissioner to submit his report on or before next date.
- 5] Issue commission letter accordingly to the Court Commissioner.

Sd/-

(Mahesh Sowani)

Date : 08/04/2022

Jt. Civil Judge, Jr. Dn., Paranda

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 the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. M. R. Sowani, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	08/04/2022
Judgment signed by the P.O. on	08/04/2022
Judgment/Order uploaded on	08/04/2022