

ORDER BELOW EXH.30

This is application filed by the plaintiffs for appoint of court commissioner i.e. T.I.L.R. for joint measurement of Gat Nos.837, 838, 839, 840, 841, 842, 843 and 848. If measurement is effected, encroachment if any by plaintiff will come on record and the dispute will come to an end. Plaintiffs are ready to pay court commissioner fees of their lands and defendants shall pay for their lands.

2] The defendants filed say vide Exh.31 and contended that contention in the application is partly true. However, there is need of only joint measurement to the extent of Gat No.843 of plaintiff and Gat No.842 of defendants no.1 and 2. The prayer for measurement of other Gat numbers is not admitted to the defendants. Therefore, prayed for joint-measurement of Gat Nos.843 and 842 only.

3] The suit is for declaration and injunction. It is the contention of the plaintiff in the plaint that it is the story of defendant that plaintiff committed encroachment. Defendant also admitted the application partly. Therefore, considering the facts and circumstances, say of the defendant and for adjudication of matter on merit, application needs to be allowed. Hence, I pass following

order.

Order

1. The application is allowed.
2. The T.I.L.R. Purandar, is hereby appointed to effect joint measurement of Gat Nos. 837, 838, 839, 840, 841, 842, 843 and 848 of village Malshiras, Tal. Purandar, Dist. Pune, and to produce measurement report along with map before the court on or before next given date.
3. The plaintiffs and defendants are directed to remain present on the date fixed for the measurement.
4. The plaintiffs are directed to deposit the requisite charges to the extent of their Gat Number and other Gat Numbers excluding Gat Number of defendants, towards the measurement directly to the office of T.I.L.R., Purandar.
5. The defendants are directed to deposit the requisite charges to the extent of their Gat Number towards the measurement directly to the office of T.I.L.R., Purandar.
6. Issue letter to Commissioner accordingly.
7. T.I.L.R. is directed to issue notices to plaintiffs, defendants and other adjacent land owners accordingly before commission work

Dtd.29/04/2025

(Shri M.S. Bharad)
Joint Civil Judge, J.D., Saswad,
Pune.

