

ORDER BELOW EXHIBIT 132 IN RCS No. 7/1995

1. This is an application filed by plaintiff to send this matter to the Deputy Superintendent of Land Record, Ghodegaon to file the detail report with respect to Gatvari of Suit property. Peruse application and say filed by the plaintiff. Heard advocate for plaintiff. This application is decided without hearing of defendant as defendant and his advocate are absent on the day of hearing.

2. It is the contention of the plaintiff that Deputy Superintendent Land Record, Ghodegaon has filed his report at Exh.126. The report filed by the Deputy Superintendent Land Record, Ghodegaon is an incomplete. The report of Deputy Superintendent Land Record, Ghodegaon will not revealed anything pertaining to the Gatvari and the report do not show the exact report of Gatvari of the suit property. Hence he prayed for sending this matter to the Deputy Superintendent Land Record, Ghodegaon to file the detail report in respect of Gatvari of the suit property.

3. The advocate for the defendant filed his reply at Exh.135 and submitted that this suit was dismissed on 20.12.2006 and plaintiff filed appeal before District Court, Pune vide civil appeal no.107/2007. The appeal was decided on 02.01.2009 and it was partly allowed by Hon'ble District Court, Pune. Hon'ble District Court, Pune has sent back this suit to the Trial Court for obtaining the detail report of validity of consolidation scheme (Gatvari) of suit property from consolidation Department (Gatvari). Ld. Advocate for the defendant submitted that the detail report in respect of Gatvari of suit property should have been taken from competent officer appointment by State Government. In the instant suit the report of Gatvaari was not obtained from competent authority

and instead the report of Gatvari have been obtained from Deputy Superintendent Land Record, Ghodegaon who is not competent authority for giving detail report in respect of Gatvari scheme of suit property. Therefore report filed by the Deputy Superintendent Land Record, Ghodegaon is not a proper and wrong. This matter needs to be sent back to Consolidation Department. He did not raise any objection to allow the application of the plaintiff.

4. Perusal of record revealed that after remanding back this suit to this Court from the Appellant Court, the plaintiff made an application to send the matter to Sub Division Officer, Junnar Division, Rajgurunagar Khed. Accordingly the application was allowed and matter was sent to the Sub Division Officer, Junnar Division, Manchar. Sub Division Officer, Junnar Division, Manchar have informed this Court vide letter at Exh.109 that the matter is pertaining to the consolidation scheme and Taluka Inspector of Land Record (Now Deputy Superintendent Land Records) is competent to decide the matter pertaining to consolidation scheme. Thereafter the matter was sent to the Deputy Superintendent Land Record, Ghodegaon as per the letter of Sub Division Officer, Junnar Division. Deputy Superintendent Land Record, Ghodegaon has filed its report at Exh.126. Perusal of Exh.126 revealed that Deputy Superintendent Land Record, Ghodegaon has given detail report of Gatvari of Suit property bearing no.3152.

5. The plaintiff did not state that what kind of complexity is created by the report (Exh.126) of Deputy Superintendent Land Record and how the report is incomplete as per the the order of Hon'ble District Court, Pune. So far as the submission of Ld. Advocate for defendant in respect of competent authority of consolidation scheme are concerned,

the Ld. Advocate did not state who is competent authority for Gatvari under Bombay Prevention of Fragmentation and Consolidation Act . The matter was refereed to the Deputy Superintendent Land Record as per the letter of Sub Division officer, Junnar. During the pendency of this suit the Ld. Advocate for the defendant never raised the objection about the competency of Deputy Superintendent Land Record to give the report in respect of Gatvari of suit property. Now he is raising the competency of Deputy Superintendent Land Record without mentioning as to who is competent authority. It seems that the Ld. Advocate for the defendant is more interested to keep this matter pending. Therefore his no objection for this application cannot be considered. So far as the contention of the plaintiff with regards to incomplete report of Deputy Superintendent Land Record are concerned I do not find any merit in his contention in view of detail report of the Deputy Superintendent Land Record, Ghodegaon. Hence following order.

Order

1. Application is rejected.

Date : 28/01/2020

N. D. Meshram.
Joint Civil Judge Junior Division
Ghodegaon.

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Gaurav A. Bobade
Name of Court : N. D. Meshram Saheb,
Judicial Magistrate First Class,
Court Ghodegaon.
Date of Judgment : 28.01.2020.
Date PO Signed : 28.01.2020.
Date of PDF : 28.01.2020.
Date of PDF Uploading : 28.01.2020.