

ORDER BELOW EXH. 22 IN RCS NO. 83/2014

(Smt. Shanta Suresh Pawar and others V/s.

Shri. Devji Kushaba Bhosle)

(Passed on 16/07/2018)

1] This application is filed by plaintiff for appointment of Court Commissioner.

2] It is contended by plaintiff that defendant committed encroachment on suit property survey no. 62 situated at Aarav. But according to defendant, as stated at para no.11 of written statement that his ancestors acquired 5R land with consents of plaintiff's forefather in the year 1979 and admittedly he constructed house thereupon. Therefore, the fact that the house of defendant was already constructed on suit property is not disputed. The real dispute is whether there was permissive possession or consented possession of defendant over suit property. Consequently, there is absolutely no necessity to appoint court commissioner.

To sum up, I passed following order.

ORDER

Application is rejected.

Sd/-

Pen

Date- 16/07/2018

(V.V. Kulkarni)

Civil Judge Jr. Division, Pen
District- Raigad.