

ORDER BELOW EXH. 18

1. Perused record. Heard both the sides.
2. As per applicant/plaintiff, the defendant encroached upon the land owned by him. Therefore, as to verify whether there is any encroachment or not? commissioner shall be appointed. Other side objected to it on various grounds.
3. Law is now well settled that whenever there is theory of encroachment raised by any party, it is desirable to appoint a cadastral surveyor to verify it. Without his report suit cannot adjudicated upon effectively. From the pleadings of both the parties it is clear that dispute is in respect of boundary marks and encroachment made by one of the party. Therefore, it is necessary to measure the suit properties for fixation of its boundary marks and hence following order -

ORDER

- A. Application is allowed.
- B. The Dy. S.L.R. Kudal, Dist. Sindhudurg, is herewith appointed as a court commissioner.
- C. It is directed that he should measure the property bearing Survey Nos. 73/15, situated at Masjid Mohalla, Kavilkate, Kudal, Tal. Kudal, Dist. Sindhudurg, and all the adjoining properties whichever necessary, and fix its boundary and report whether there exists any construction over this property and exact location of the said construction over it and file report on or before 01/09/2017.
- D. Plaintiff shall bear the expenses and accordingly deposit it with Dy. S.L.R. Kudal, Dist. Sindhudurg on or before 30th July 2017 and inform this court accordingly.

E. Sent commissioner writ to Dy. S.L.R. Kudal, Dist. Sindhudurg and the copy of this order to the advocate of the plaintiff for necessary compliance.

F. If plaintiff failed to comply with the above direction the applicant shall be deemed to waive the right in this regard and the matter will be proceeded further.

Sd/-

KUDAL

(KOMALSING RAJPUT)

DATE – 13 /07 /2017

C.J.J.D., KUDAL, DIST. SINDHUDURG