

Order below Exh. 79 in R.C.S. No. 107/2011

01. This is an application filed by the plaintiff that Court commissioner re-appointment application was made by him and accordingly it was allowed by my Ld. Predecessor. It is submitted that he has paid the requisite fee for it. The plaintiff submitted that in the present matter Nimtana Measurement was to be done by the Deputy Superintendent of Land Record of Malvan but instead of its the concerned office has allotted Nimtandar to conduct the re-measurement and the date for it is fixed on 28.02.2017. A notice to that effect has been sent to plaintiff. It is further submitted that if the measurement is not done by Deputy Superintendent of Land Record malvan the purpose of re-appointment of court commissioner will become futile.

02. Perused the record. It appears that, while order on exh. 74 the Ld. Predecessor has made specific order that Deputy Superintendent of Land Record Malvan is appointed as court commissioner. The copy of the order has been also sent to the concerned office in such circumstances they have follow to order of court. From the notice dated 11/01/2017 produce by the plaintiff it appears that the concern office has appointed one D.B. Kale , one of their employee to conduct the measurement. Therefore, in circumstances it appears that the office has not followed the court orders. Therefore the apprehension of plaintiff that purpose of the re-measurement will be frustrated if it is not done by the Deputy Superintendent of Land Record Malvan appears to the bonafide and reasonable. Therefore in circumstances following order is passed.

Order

1. The Deputy Superintendent of Land Record Malvan is directed to conduct the measurement himself as per the order of court and not through any other subordinate officer.

2. Copy of this order be sent forthwith to the concerned office.

Date- 22/02/2017

(S.H.Panhale)
Civil Judge (J.D.) Malvan.