

ORDER BELOW EXH. 45 IN
REGULAR CIVIL APPEAL NO. 63/2017

1. Read application and say of respondent at Exh. 48.

2. Appellant moved present application for appointment of Court Commissioner for sending sugarcane crop to Sugar Factory from Land Gat No. 2010 & 2012 in the name of Court Commissioner. The respondent contended in say that the learned trial Court has decided the shares of appellant no. 2, 3 and respondent as 1/3rd each. But appellant trying to send the sugarcane in her own. It is also contended that the sugarcane crop be sent to sugar factory in the name of Court Commissioner and the bill amount directed to be deposited in Court.

3. I have heard rival submissions. It is not in dispute that sugarcane crop needs to be send to the Factory and crushing season is about to end. Record shows that as per order below Exh. 29 sugarcane crop during last season was sent to factory by appointing Court Commissioner. Record further show that advocate Shri. S.P. Gurav was appointed as a Court Commissioner and as per order below Exh. 41 and the report of Court Commissioner at Exh. 43, the sugarcane crop was sent to Krishna Co-operative Sugar Factory in the name of Court Commissioner. Both parties submitted that they have no

objection to appoint the same advocate Shri. S.P. Gurav as a Court Commissioner and to send the sugarcane crop to the Krishna Co-operative Sugar Factory as it was earlier done.

4. Considering this situation I have heard advocate Shri. S.P. Gurav who is to be appointed as Court Commissioner. He submitted that he is ready to do the commission work. He also submitted that he has to visit the sugar factory 4 to 5 times and also need to visit sugar factory for depositing the bill amount in Court. Considering these submissions I hold that it will be proper to appoint Adv. Shri. S. P. Gurav as a Court Commissioner with direction to send the sugarcane crop in Gat No. 2010 & 2012 to Krishna Co-operative Sugar Factory in his name and to deposit sugarcane bill in the Court alongwith his report. The commission fees considering the work of commission is assessed to Rs. 6000/- out of which appellants should pay 2/3rd i.e. 4000/- and respondent should pay 1/3rd i.e. 2000/-.

5. Considering above discussion I pass following order :-

ORDER

1. Application is allowed.
2. Advocate Shri. S.P.Gurav is hereby appointed as a Court Commissioner.

3. The Court Commissioner shall send the sugarcane crop in a land Gat No. 2010 & 2012 to Krishna Co-operative Sugar Factory, Rethare Budruk, Tal.- Karad, Dist.- Satara, in his name and shall deposit the sugarcane bill in the Court alongwith his report.

4. The parties shall deposit Commission Fees of Rs. 6000/- out of which the appellants shall deposit 2/3rd amount (Rs. 4000/-) and the respondent shall deposit 1/3rd amount (Rs. 2000/-). Parties to deposit the commission fees within 8 days.

5. Issue Commission Letter accordingly.

Sd/xxx

Islampur.

Date :- 18.03.2019

(S.M.Chandgade)

District Judge - 3, Islampur.