

Regular Civil Suit No. 112/2015

Order Below Exh. 55

Heard Shri. A.M. Chougule, Learned Advocate for defendants No. 5 to 7, 9, 12, 16 to 18, 23 to 27, 32 to 35 and 37 to 41 and Shri. H. A. Pawar, Learned Advocate for plaintiff.

2. This is an application made by above mentioned defendants for appointment of court commissioner for local inspection of the spot for ascertaining as to whether alleged way as claimed by them is in existence in the suit property.

3. Learned Advocate for plaintiff did not file say.

4. In the present matter dispute is with respect to the existence of alleged way as claimed by the defendants. According to plaintiff way does not exist in the suit property and according to defendants way exists in the suit property. Hence, for elucidating the matter in dispute it is necessary to appoint court commissioner for local investigation.

5. Under such circumstances, for the purpose of elucidating matter in dispute, Shri. V.S. Kadam, Advocate is appointed as court commissioner for local investigation as per prayed made in the application at Exh. 55.

6. He shall visit the spot after giving in writing notice to both the parties and their advocates regarding day and time of his visit for commission work to the spot. He shall ask them to remain present at the time of commission work. Both the parties are directed to appear before the commissioner accordingly.

7. The court commissioner is directed to submit his report as to his visit and investigation on or before 01/02/2016.

8. The above mentioned defendants are directed to pay Rs 2000/- (Rs. Two Thousand Only) as court commissioner's fees to the commissioner directly and obtain receipt thereof.

9. Issue commission writ accordingly.

Kavathe Mahankal.	Sd/-
Date: 20/01/2016.	(A. P. Kokare,)
	Civil Judge Jr. Dn. Kavathe Mahankal.

