

**Order Below Exh.46 in Regular Civil Suit No.47/2019**  
**(Sanjay Dadaso Gaikwad V/s Sarpanch Grampanchayat Bhikawadi)**

1. The plaintiff and defendant no.1 have filed this application for appointment of court commissioner for measurement of suit lands gat nos. 679 to 682 and to see whether the construction started by the defendant no.1 over the suit lands.

2. Order 26 Rule 9 makes it clear that, if court deems a local investigation to be proper for the purpose of elucidating any matter in dispute the court may issue commission to such person and direct him to make such investigation and to report thereon to the court. Therefore, it is clear that for appointing the Court commissioner, the purpose of appointing should be for elucidating the matter in dispute.

3. In this suit there is dispute regarding construction started by the defendant no. 1. As per say of the plaintiff that construction is going on the suit lands and the defendant no. 1 stated that the construction is not in suit lands. Both the parties are ready to measure the suit lands through T.I.L.R. Hence, if court commissioner will appoint in this case, dispute between parties will come to an end. In

present suit if court commissioner will appoint for measurement of suit property it will helpful for proper and speedy adjudication of the present suit. The report of court commissioner would assist the court in coming to the final conclusion of the suit and it would elucidate the matter in question. In the circumstances, I pass following order :

-: **ORDER** :-

1. The application is allowed.
2. The T.I.L.R., Kadegaon, Tal-Kadegaon, District-Sangli is hereby appointed as Court Commissioner.
3. The T.I.L.R., is directed to visit the suit fields gat nos. 679 to 682 at village Bhikawadi, Tal-Kadegaon, District-Sangli after giving notice to both the parties and their advocates regarding the date and time of his visit for commission work and asking them to remain present at the time of commission work.
4. Both the parties directed to appear before the Commissioner accordingly.
5. The Court Commissioner is further directed to

submit his report regarding the suit fields along with the map and mentioned in report whether the construction of the defendant no.1 is over the suit fields or not and submit report **urgently on or before 18/05/2024.**

6. The plaintiff and defendant no. 1 are directed to deposit requisite fee in the concerned office and to file the receipts thereof in the Court on or before 08/05/2024.

7. Issue commission letter accordingly to the T.I.L.R. Officer.

Date : 04/05/2024

(P.R.Sabnis)  
Jt.C.J.J.D.Kadegaon