

Chitra V/s. Bajrang.**Order Below Exh. No. 30.****(Dated 26.02.2019)**

01 Present application filed by plaintiff to send the alleged sugarcane crop standing in the suit property to the sugar factory through Court-commissioner. According to plaintiff, the sugar factories are about to close their crushing season. According to plaintiff, there is alleged sugarcane crop standing in the suit property and if sugarcane crop is not send to the sugarcane factory, then, there will be huge loss to the plaintiff. According to plaintiff, the sugarcane crop is also perishable in nature and to avoid the loss the sugarcane crop may be sent to the sugarcane factory through Court-commissioner. The plaintiff prayed for allowing the application.

02 The say of defendant was called for. The defendant has filed his say vide Exh. No. 34 and strongly opposed the present application. The defendant submitted that, the entire contents in the application are totally false and therefore prayed for rejection of it. The defendant submitted that, in fact, plaintiff has suppressed material facts from this Court, therefore, on this count itself, application is liable to be rejected.

03 Heard learned advocate for both sides.

04 Perused the record and documents filed on record in the light of argument advanced. On the perusal of the record, it is noticed that, the fact of sugarcane in the suit property is undisputed one. Plaintiff contended that, she has planted sugarcane crop in the suit property. On the other hand, defendant in his written statement vide Exh. No. 24

submitted that, he has planted sugarcane crop in the suit property. From this, it is revealed that, there is sugarcane crop in the suit property. Presently, the sugarcane crushing season of sugar factory is almost over and sugar factory are about to close. The plaintiff has filed the copy of public notice issued by the sugarcane factory in the newspaper 'Dainik Pandharibhushan', dated 24.02.2019, which discloses that, the Vitthal sugarcane factory is going to close in the first week of March, 2019. In such circumstances, for avoiding the loss of standing sugarcane crop in the suit property, in my opinion, the sugarcane crop standing in the suit property has to be sent to the sugarcane factory through Court-commissioner. It will be helpful to the both sides and will be without causing any prejudice to the either side. In such circumstances, in my opinion, application is liable to be allowed. Hence, I proceed to pass the following order :-

:: ORDER ::

- 01 Application vide Exh. No. 30 is allowed.
- 02 Adv. Shri. Shivraj V. Patil is hereby appointed as Court-commissioner.
- 03 The Court commissioner is hereby directed to send the sugarcane crop standing in the suit property to the Sugarcane factory, where it has been recorded, through him, in his name and file the report of the same on record.
- 04 For sending the standing sugarcane crop in the suit property to the sugarcane factory, the Court-commissioner may take help from the competent revenue officer.
- 05 Plaintiff is hereby directed to deposit the Commission charges of Rs.3,000/- (in words Rs. Three Thousand only) in the Court, forthwith.

06 After deposition of commission charges, the Commission writ
be issued accordingly.

07 Cost in cause.

Date :26-02-2019.

(S. S. Aradwad)
Jt. Civil Judge Junior Division,
Pandharpur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

- a Name of the Stenographer : Shri. P.T. Jadhav
- b **Court** : **Jt. C.J.J.D.& J.M.F.C.,
Pandharpur.**
- c Date of Order : 26.02.2019.
- d **Order** signed by P.O. on : 26.02.2019.
- e Order uploaded on : 26.02.2019.