


MHSO070003262019 	<b><u>ORDER ON EXH. 250 IN R.C.S. No. 272/2019</u></b> <b><u>(Passed on 23<sup>rd</sup> December 2025)</u></b>
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1. The present application is filed by defendant No.2 under Order XXVI Rule 9 of C.P.C. for appointment of Court Commissioner to supervise process of harvesting of sugarcane and sending it to sugar factory. Defendants No. 1 and 4 filed say at Exh.255. The defendant No.3 has filed say vide Exh.259. Plaintiff noted his no objection on the same application. Heard both sides. Perused the record.

2. It is pleaded by defendant No.2 that suit is filed for partition. As there is dispute between the parties. Application for temporary injunction filed by defendant No.2 vide Exh.70 has been rejected. Temporary injunction application in R.C.S.No.142/2021 filed against defendants No.1, 3 and 4 and Civil M.A.No.126/2021 against this order has been rejected. Plaintiff, defendants No.1, 3 and 4 are taking disadvantage and attempting to rob defendant No.2 with his crop. Therefore, it is necessary to appoint Court Commissioner to supervise entire process of cutting, harvesting and sending sugarcane crop from all the suit properties. It is also prayed that sugar factor by directed to sen amount of bill in the Court.

3. Defendants No.1, 3 and 4 have objected this application. It is stated that he has no locus-standii. Previously, applications for appointment of Court Commissioner were allowed. However,

amount of bill from the sugar factory is yet not deposited in the Court. Thus, the process of appointing Court Commissioner and thereafter harvesting sugarcane is very tedious. The parties are not able to enjoy fruits of their work. It is putting economical strain upon defendants. Hence, they prayed to reject the application.

4. Defendant No.2 filed previous applications for appointment of Court Commissioner vide Exh.111 and 184 which came to be allowed. Court Commissioners were appointed for the season 2023-24 and 2024-25. Similar application was filed at Exh.200. However, this application has been rejected. After perusal of entire record it can be seen that Court Commissioner appointed on 27.12.2023 and 29.01.2025, have worked and completed their task. However, after the laps of almost two years, the amount of harvested sugarcane from the sugar factory has been deposited in the Court in November-2025. However, parties individually have yet not received it. Both parties have agreed that suit properties are not yet partitioned. There are multiple properties situated in three different villages. It is admitted fact on record that since long plaintiff and defendants are cultivating and in possession of different properties as per their entries on 7/12 extracts.

5. The defendant No.2 in this application has stated that the plaintiff and defendants No.1, 3 and 4 are taking disadvantage of orders passed against defendant No.2 in some other civil proceeding and they are attempting to rob him with his crop. Thus, to protect his interest he has filed present application for appointment of Court Commissioner. However, even after perusal of

previous applications or this application, the overt act of plaintiff and other defendants obstructing the defendant No.2 from harvesting his crop is nowhere mentioned. No such facts have been brought on record since the year 2023, and from filing of Exh.111. Therefore, the apprehension on the basis of which the defendant No.2 is seeking relief of appointment of Court Commissioner is not well founded. There are 14 different gat in village Bhose, 9 different gat in village Khedbhose and 5 different gats in village Shevate. There are total 28 different land properties which are subject matter of the dispute. Therefore, on the whim of defendant No.2 all the defendants and plaintiff cannot be dragged into. There is no single complaint from any defendant or plaintiff against their fellow members of joint family. As stated above the parties who are harvesting sugarcane which is cash crop, are not able to enjoy the fruits of their cultivation even after lapse of two years. This is not in the interest of either party to appoint Court Commissioner for the purpose of supervising entire procedure of harvesting and sending sugarcane to sugar factory. The appointment of Court Commissioner is not warranted in the present set of facts. Therefore, the application made by defendant No.2 is liable to be rejected. Hence, following order is passed.

### **ORDER**

1. Application Exh.250 is rejected.
2. No order as to costs.

**Pandharpur.**  
**Date : 23.12.2025.**

**(Smt. S.S.Raul)**  
**Jt. Civil Judge, Junior Division,**  
**Pandharpur, Dist.- Solapur.**

## Certificate

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

Name of Stenographer :- D.S.Landage (Grade-III)

Court :- Jt. Civil Court,J.D.,Pandharpur.

Date :- 23.12.2025.

Judgment/Order signed by  
the Presiding Officer :- 23.12.2025.

Judgment/Order uploaded on :- 23.12.2025.