


MHSO070003262019 	<u>ORDER ON EXH. 271 IN R.C.S. No. 272/2019</u> <u>(Passed on 13th January 2026)</u>
---	--

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 from his land property situated at village Shevate bearing Gat No.324/1/C and 307. Plaintiff has filed his say on the same application. Heard both sides. Perused the record.

2. It is pleaded by defendant No.2 that his previous application for appointment of Court Commission is rejected. Therefore, plaintiff and defendants No.3 and 4 have sent their sugarcane crop to the factory. When defendant No.2 and his wife started harvesting in Gat No.324/1/C and 307 on 09.01.2026, plaintiff, his wife and son Balaji alongwith defendant No.3 and his son Rajendra obstructed defendant No.2 from harvesting and prohibited from putting 25 tone sugarcane into the trailer. They verbally abused defendant No.2 and his wife and attempted to assault them. They have given complaint to Karkamb Police Station. Defendant apprehended that plaintiff, defendants No.3 and 4 will not allow him to harvest the crop peacefully. Therefore, he has prayed to appoint an Advocate as a Court Commissioner for harvesting sugarcane crop from Gat No.307 and 324/1/C.

3. Plaintiff filed objection that previous application for appointment of Court Commissioner is rejected on merit. Therefore,

similar application is not maintainable on the same ground. Thus, this application is illegal and not tenable. Hence, he prayed to reject the application.

4. Alongwith application defendant No.2 filed copy of NC report bearing Sr.No.9/2026 dated 09.01.2026. Defendant No.2 has filed this report against the plaintiff and defendant No.3 that they obstructed him from harvesting the crop. Previous application filed by defendant No.2 vide Exh.250 was rejected on the ground that there was no obstruction alleged on the part of defendant and considering the previous execution and aftermath of Court Commissioner appointed as per Exh.111 and 184. However alongwith this application defendant No.2 has supported his apprehension of threat by filing NC report on the record. Defendant No.1 has also filed similar application at Exh.278 wherein he has also alleged obstruction at the hands of plaintiff and defendants No.3 and 4. It appears that plaintiff, defendants No.1 to 4 are obstructing each others possession.

5. It is admitted fact on record the suit properties are not partitioned, each party is in possession of their separate property. Upon 7/12 extracts names of different parties are mentioned. Parties are cultivating properties in their possession and bearing fruits out of it. However, considering the successive chain of obstruction being cause to each other which resulted into appointment of Court Commissioner vide Exh.111 and 184 only plaintiff and defendants No.1 to 4 are obstructing each other. By way of this application defendant No.2 alleged obstruction in

respect of Gat No.307 and 324/1/C. 7/12 extract of Gat No.324/1/C is in the name of defendant No.7 i.e. wife of defendant No.2. Plaintiff has filed previous application by stating that though 7/12 extract is in the name of defendant No.7, land is in possession of plaintiff. Therefore, there is dispute regarding possession as well as who will reap the income out of cultivated crop. For Gat No.307 total area is 4H:29R alongwith 6R potkharaba that is 10 Acre 35 R. Defendant No.2 when asked during argument submitted that he is in possession of 5.5 acre land and as cultivated sugarcane on it. Admittedly, names of defendants No.2 and 4 are mentioned in 7/12 extract.

6. Considering these two disputed land properties, it will be appropriate to appoint an Advocate as Court Commissioner to supervise harvesting of the crop till its supply to sugar factory. In order to avoid further disputes between the parties, physically on the ground, it will be appropriate to appoint Court Commissioner for smooth harvesting of the crops. Hence, following order is passed.

ORDER

1. Application Exh.271 is allowed.
2. An Advocate is appointed as a Court Commissioner for the purpose of supervising the process of harvesting of sugarcane and sending it to Shri Vithalrao Shinde Sahakari Sakhar Kharkhana Unit No.2, Karkamb from land situated at village Shevate bearing Gat No.324/1/C and 307 under order XXVI rule 9 of the Code of Civil Procedure.
3. Court commissioner is further directed to remain present on the respective property when the sugarcane crop is being harvested and till it is transported to Shri Vithalrao Shinde Sahakari Sakhar Kharkhana Unit No.2, Karkamb.

4. The Court Commissioner is further directed to obtain weight slips issued by sugar factory and submit them in the court alongwith report.
5. Defendant No.2 is directed to deposit Rs. 10,000/- (Rs. Ten Thousand only) towards Commissioner fee before 17.01.2026 and supply all the necessary documents and to show the site to the Court Commissioner for his smooth functioning.
6. Director of Shri Vithalrao Shinde Sahakari Sakhar Kharkhana Unit No.2, Karkamb is hereby directed to submit harvested sugarcane bills in the Court and to deposit the amount of bills in the Court. In case of issuance of cheque in this regard, it shall be issued in the name "Joint Civil Judge Junior Division, Pandharpur".
7. He is strictly directed not to handover any amount to the land owners or parties involved in the suit. Issue letter accordingly.
8. Plaintiff, defendants No.1 to 3 are directed to suggest the name of independent Advocate to be appointed as Court Commissioner.
9. After Court Commissioner fee is deposited in the Court, then issue Writ for Court Commissioner and issue letter to concerned sugar factor as per clause 6 and 7.
10. No order as to costs.

Pandharpur.
Date : 13.01.2026.

(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 :- 13.01.2026.

Judgment/Order signed by :- 13.01.2026.
the Presiding Officer

Judgment/Order uploaded on :- 13.01.2026.