


MHSO070003262019 	<u>ORDER ON EXH. 278 IN R.C.S. No. 272/2019</u> <u>(Passed on 13th January 2026)</u>
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1. The present application is filed by defendant No.1 under Order XXVI Rule 9 of G.P.C. for appointment of Court Commissioner to supervise process of harvesting of sugarcane and sending it to sugar factory from his land property as mentioned in the application. Plaintiff has filed his say at Exh.284. Heard both sides. Perused the record.

2. It is pleaded by defendant No.1 that he has cultivated sugarcane over Gat No.324/1 and 324/1/D situated at village Shevate. When he attempted to harvest his crop on 10.01.2026, plaintiff and his wife obstructed their harvest. His 10 ton sugarcane has been lying down on the ground. Plaintiff also threatened to assault and they charged with wooden sticks upon them. Thus, he has filed complaint with police. Therefore, he has prayed to appoint an Advocate as a Court Commissioner for harvesting sugarcane crop from 15R. of Gat No.324/1 and 65R. from Gat No.324/1/D situated at Village Shevate, 40R. of Gat No.1280/1, 20R. from Gat No.1281/2 situated at Village Bhose and 60R. of Gat No.274/1/A/1 situated at Village Khedbhose.

3. Plaintiff filed objection and stated that on Gat No.324/1 and 324/1/D they both cultivated sugarcane crop together. They decided to harvest their crop separately. Thus, plaintiff requested defendant No.1 that he shall sent sugarcane crop from his half share only. However, defendant No.1 started harvesting entire crop. Thus,

plaintiff obstructed him. It is also mentioned that for Gat No.1280/1 and 1281/2 the crop is not riped for harvesting. Therefore, he has not caused obstruction over this property. Hence, he prayed to reject the application.

4. Plaintiff himself admitted that he has obstructed harvesting by defendant No.1 over Gat No.324/1 and 324/1/D. As per 7/12 extracts for these Gat numbers name of plaintiff and defendant No.1 is mentioned as joint owner. In respect of Gat No.274/1/A/1 at village Khedbhose also plaintiff and defendant No.1 are joint owners. In respect of Gat No.1280/1 and 1281/2 plaintiff and defendants No.1 to 6 are in joint ownership. Plaintiff has admitted that he has obstructed harvest by defendant No.1. Therefore, to avoid further delays in harvesting cash crop like sugarcane wherein time is essence, it will be appropriate to appoint the Court Commissioner. Hence, following order is passed.

ORDER

1. Application Exh.278 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 particularly mentioned in this application 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.1 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 and defendants No.1 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
the Presiding Officer :- 13.01.2026.

Judgment/Order uploaded on :- 13.01.2026.