



**Order passed below Exh. 34 in RCS No. 261/2010**

1. This is an application filed by the plaintiff to modify order passed below Exh.29 and to assign responsibility of paying court commission fee onto defendants No.1 & 2. The defendants failed to file say and therefore application is proceeded without say of defendants No.1 & 2. Both sides are absent. However, the application is pending since 24/01/2020. Hence, after perusal of record following order is passed.

2. The plaintiff had filed application for appointment of Court Commissioner vide Exh.5. It came to be allowed on 19/01/2017. Writ was issued. Report vide Exh.31 has been filed on record on 25/07/2017. Thereafter the defendants No.1 & 2 filed application at Exh.29 for measurement of their land bearing Gat No.103/2 alongwith the measurement of land of plaintiff. While passing this order below Exh.29 my predecessor stated that plaintiff is ready to carry on measurement with his own expenses. Hence, the plaintiff was directed to carry out expenses and to deposit amount in concerned office. This order has been passed on 17/01/2018.

3. Admittedly the application at Exh.29 was filed by defendants No.1 & 2. They in their prayer clause stated expressly that they are ready to deposit court commission fee. Before passing this order the first commission appointed by plaintiff, executed the work of measurement and furnished report on record on 01/08/2017 vide

Exh.31. Therefore, the second commission which is proposed by defendant, the expenses are necessary to be borne by the defendants No.1 & 2. The application filed by plaintiff requires to be allowed. Hence, for the reasons mentioned above, following order is passed.

**ORDER**

1. The application Exh. 34 is allowed.
2. The order passed below Ehx.29 is modified in respect of order clause No.4 as “Defendants No.1 & 2 to carry out the expenses of measurement and are directed to deposit the concerned office and comply the document required directly to the concerned office.”
3. No order as to costs.
4. Both parties to take note.

Pandharpur.  
Date: 23.01.2025

**(S. S. Raul)**  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Pandharpur.

**CERTIFICATE**

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

Name of the Stenographer	-	A.B. Sandrok
Court	-	2 <sup>nd</sup> Jt. CJJD & JMFC, Pandharpur.
Date of Judgment/Order	-	23.01.2025
Judgment/Order signed by the Presiding Officer on	-	23.01.2025
Judgment/Order uploaded on	-	23.01.2025