



**Regular Civil Suit No.392/2025
CNR Number MHSO-07-000462-2025**

1. Arun Mohan Nagtilak Plaintiffs.

Versus

1. Balbhim Sadashiv Godase Defendants

ORDER BELOW EXHIBIT 24

1. The suit is for perpetual injunction. The plaintiffs have filed the application for appointment of Deputy Superintendent Land Record, Pandharpur as a court commissioner for local inspection of suit properties described in paragraph number 1 and 2 of suit and land bearing block no.573 of village- Kavathali, Taluka- Pandharpur, vide exhibit 24. The suit properties described in paragraph number 1 and 2 of suit are owned by plaintiffs and the property bearing gat number 573 of village Kavathali is owned by defendant number 1 to 4. It is stated that, all the defendants are obstructing the possession of plaintiff. The defendants are trying to destroy dyke (बांध). Hence, the plaintiffs are constrained to file present application for appointment of court commissioner.

2. The defendants numbers 1, 3, 4 have filed say vide exhibit 41 and stated that, the application is false and vexatious. The plaintiffs have instituted false cases against defendants. Joint measurements of all properties are required for finding out encroachment. Hence, application is to be rejected. The defendant numbers 5 to 11 and 13 to 18 have filed say vide exhibit 44 and stated that, the plaintiffs are trying to collect evidence. Hence, application is to be rejected.

3. I have heard both sides at length. Upon hearing of both sides, the following points arise for my consideration.

Sr No.	Points	Findings
1	Do plaintiffs entitle for appointment of Deputy Superintendent land record, Pandharpur, as court commissioner for the purpose of local inspection of suit properties described in paragraph number 1 and 2 of suit and land bearing block no.573 ?	In the negative
2	What is order ?	The application is rejected.

REASONS

4. The point numbers 1 & 2 are interlinked with each other. Hence I have clubbed them together and discussed accordingly. The plaintiffs have filed the application vide exhibit 24. The defendants have filed say vide exhibit 41, 44 and prayed that application is to be rejected.

5. I have perused section 75 of Code of civil procedure. It reveals that, court commissioner can be issued for local investigation. I have also perused Order 26 Rule 9 of Code of civil procedure. It reveals that in suit, in which Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, the court may issue commission for investigation.

6. In present suit, the application vide exhibit 24 is for appointment of court commissioner. On minute perusal of application vide exhibit 24, it reveals that, the plaintiffs want to find out boundaries of suit

properties described in paragraph number 1 and 2 of suit. The suit is for perpetual injunction. The boundaries of suit properties described in paragraph number 1 and 2 of suit is not point of dispute. It does not involve local investigation of suit properties described in paragraph number 1 and 2 of suit for the purpose of elucidating matter in dispute. The court commissioner cannot be appointed for preparing report as per prayer of plaintiffs. It is not at all necessary to appoint Deputy Superintendent Land Record, Pandharpur for elucidating the matter in dispute. This suit is not for removal of encroachment and recovery of possession. The sketch showing encroachment is not filed alongwith suit as per order VII Rule 3 of Code of Civil Procedure. The suit is for perpetual injunction. In this suit, issue of lawful possession of suit properties and obstruction to possession are involved. The plaintiffs cannot take aid of Deputy Superintendent Land Record as court commissioner for collecting evidence. The burden of proof is on plaintiffs to prove their case. In such circumstances, the application is not maintainable in eyes of law. In the result, the following order is passed.

ORDER

The application vide exhibit 24 is rejected.

Pandharpur.
Date -02-05-2026.

Smt. K. A. Katkar
3rd Joint C.J.J.D.,Pandharpur.

: CERTIFICATE :

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	:	RCS 392/2025
Name of Stenographer	:	S.P. Doke
Court Name	:	Smt. K. A. Katkar, 3 rd Joint Civil Judge Junior Division Pandharpur, Dist-Solapur
Date of Decision	:	02-05-2026
Order signed by P.O. on	:	02-05-2026
Order uploaded on	:	02-05-2026