

Prasanna V/s. Dadaso.

Order Below Exh. No. 36.

(Dated 05.03.2019)

01 Present application filed by the defendant for issuing direction to the Court-commissioner to take note of certain facts. According to defendant, towards the southern side of the suit property, there is his land and having sugarcane crop. According to defendant, he do not have any objection for taking sugarcane crop to the Gat No. 684, however, the noting of the same be taken by the Court-commissioner. The defendant prayed for allowing the application.

02 Say of plaintiff was called for. The plaintiff has filed his say and strongly opposed the application. The plaintiff submitted that, the application under reply is without any substance and prayed for rejection of it.

03 Heard learned advocate for both sides.

04 Perusal of record and documents filed on record in the light of argument advanced. On perusal of the record, it is noticed that, the Court-commissioner was appointed for sending the sugarcane crop standing in the suit property. On perusal of the record, it is noticed that, the Court-commissioner has filed his report vide Exh. No. 35, and mentioned that, there is no any road to the suit property. On perusal of the record, it is noticed that, plaintiff has contended said fact in his averments in plaint. In such circumstances, the court-commissioner application was allowed and he was ordered for sending the sugarcane crop standing in the suit property. If any act is done towards sending the

sugarcane crop standing in the suit property to the sugarcane factory, the Court-commissioner is fully authorised to make the noting of the same. In such circumstances, present application is liable to be allowed. Hence, I proceed to pass the following order :-

:: ORDER ::

- 01 Application vide Exh. No. 36 is allowed.
- 02 If any act is done towards sending the sugarcane crop standing in the suit property to the sugarcane factory, the Court-commissioner is fully authorised to make the noting of the same and file the same along with report on record.
- 03 Cost in cause.

Date :05-03-2019.

(S.S. Aradwad)
Jt. Civil Judge Junior Division,
Pandharpur.

CERTIFICATE

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

- a Name of the Stenographer : Shri. P.T. Jadhav
- b **Court** : **Jt. C.J.J.D.& J.M.F.C.,
Pandharpur.**
- c Date of Order : 05-03-2019.
- d **Order** signed by P.O. on : 05-03-2019.
- e Order uploaded on : 05-03-2019.