

MHSO070007632023 	<u>ORDER ON EXH. 5 IN R.C.S. No.626/2023</u> (Passed on 26th June 2025)
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1) The present application is filed by the plaintiff for appointment of court commissioner to measure the land and fix boundaries of suit property. The defendants failed to file say and therefore application is proceeded without say of the defendants. Heard advocate for the plaintiff.

2) The plaintiff submitted that the suit is filed as dispute arose in respect suit property bearing Gat No.271 use and encroachment at the hands of defendants. To ascertain the area of encroachment made by defendants it is necessary to measure the land through government authority i.e. Deputy Superintendent of Land Record. After measurement, boundaries and specific marks will be ascertained and it will help to adjudicate the present dispute in the suit. Thus, this application is prayed to be allowed.

3) The plaintiff has filed suit in respect of Gat No.271 situated at village Devade Tal.Pandharpur. It is pleaded that, suit property is ancestral property of plaintiff. He is cultivating this land. Defendants are adjacent land owners. They are obstructing possession of the plaintiff by destroying common bandh and encroaching in the land of plaintiff. Son of plaintiff filed non-cognizable report with Karkamb Police Station on 11.11.2023 in this regard. Land bearing Gat NO.256/1/A/1, owned by defendant No.1 is situated on east side of suit property. Thus, he is attempting to encroach in the suit property of 10 R. Defendants No. 2 to 4 and 5 have encroached of around 05 R. in

the suit property from south and north side respectively. Present suit is filed for removal of encroachment and recovery of possession from the custody of defendants. Defendants No. 1 to 4 appeared but failed to file say or written statement. Defendant No.5 failed to appear. As the present suit is filed to ascertain encroachment at the hands of defendants and to recover possession of the land being encroached by the defendants, local investigation of the suit property reporting actual possession of the land is necessary. It can be done by appointing Court Commissioner. In order to facilitated measurement of land and fixation of boundaries appointment of competent authority like Deputy Superintendent of Land Record, Pandharpur will be appropriate. For the reasons mentioned above following order is passed.

ORDER

1. Application Exh.5 is hereby allowed.
3. Deputy Superintendent of Land Record, Pandharpur or any officer deputed by him in his behalf is appointed as Court Commissioner to carry out measurement of the suit property described more specifically in para 1 of the plaint.
4. Court Commissioner is directed to measure and fix the boundaries of above said property as per survey manual in the light of application and submit his report.
5. The plaintiff is directed to bear the expenses of Court Commission and shall supply all the necessary documents and all necessary facilities to the Court Commissioner for his smooth functioning.
6. Court Commissioner is further directed to give due notice to all parties and adjacent possessors, if any while conducting the work of measurement.
7. The Court Commissioner is directed to submit his report, within 1 month from the date of issuance of Writ.

8. Writ be issued to the Court Commissioner accordingly.

Date:- 26.06.2025.

(Smt. S.S.Raul)
Jt. Civil Judge Junior Division,
Pandharpur, Dist. Solapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Steno.	:-	D.S.Landage, Stenographer (Grade-III)
Court Name	:-	Jt.Civil Judge (Jr.Dn.) and J.M.F.C., Pandharpur. Dist. Solapur.
Date	:-	26.06.2025.
Order signed by the presiding officer on	:-	26.06.2025.
Order uploaded on	:-	26.06.2025.