

**ORDER BELOW Exh.5 IN R.C.S. No.128/2014**

1           This is an application filed by plaintiff for appointment of  
Court Commissioner.

2           It is contended that, suit properties are owned by plaintiff  
and defendants. There are sub-division of the suit properties. Plaintiff  
has purchase Gat No.357/1 on 21.08.2012. After purchased, plaintiff  
is taking cash crops. Therefore, defendants tried to create dispute on  
the boundaries. Though, he requested for fixing boundaries by  
measurement, they denied. In order to decide the suit on merit, it will  
be just and proper to measure the suit properties. Hence, this  
application.

3           Defendants appeared and submitted WS. They objected orally to  
the application on the ground that the report of TILR is not necessary  
and it may cause hardship to them and hence, application may be  
rejected.

4           Perused the plaint, WS and other documents on record. It  
appears that the suit is for perpetual injunction and fixing of  
boundaries. As there is boundaries dispute between the parties, it will  
be just and proper to measure the properties and bring on record the  
report of competent authority. Hence, it will be just and proper to  
appoint the Court Commissioner and bring on record the factual  
matrix on the spot. Hence, application deserves to be allowed and I  
proceed to pass following order.

**ORDER**

1           Application (Exh.5) is allowed.

1           TILR, Malshiras is appointed as a Court Commissioner.

2           Plaintiff is directed to deposit Court Commissioner fee

within 14 days from today.

- 3 TILR, Malshiras is directed to submit his report within a month.
- 4 If plaintiff will failed to deposit requisite fees, the order will automatically vacated.

(S. A. Mulik)

Date : 25/08/2014.

Jt. Civil Judge Junior Division, Malshiras.