

RCS NO. 698/2025  
Amitrao Mane Deshmukh Vs.  
Bhimrao Pawar & ors.

**ORDER BELOW EXH. 8.**

**(Passed on 30/03/2026)**

This is an application filed by the plaintiff seeking appointment of the Deputy Superintendent of Land Records (TILR), Malshiras, as Court Commissioner for measurement and demarcation of the suit property.

2. Read application and filed say filed by defendant no. 5 and 6. Heard both sides.

3. In short, it is submission of the plaintiff that there is a boundary dispute between the parties, hence appointment of court commissioner is necessary to measure the suit property.

4. Defendants No. 5 and 6 have opposed the application contending that the suit land being part of Gat No. 178 is not partitioned, hence measurement as sought is not feasible. There is no boundary dispute between the plaintiff and defendants No. 5 and 6. The application is baseless and liable to be rejected. Alternatively, if commission is appointed, their land should also be measured and boundaries fixed at the cost of the plaintiff.

5. It is an admitted position that the suit is filed for measurement and fixation of boundaries of agricultural land bearing Gat No. 178 situated

at Velapur, Taluka Malshiras. In such nature of disputes, actual physical measurement and demarcation of the land is a crucial aspect for proper adjudication. The Court cannot effectively decide issues relating to boundary dispute or alleged encroachment without technical evidence. The objection of defendants No. 5 and 6 that the land is not partitioned cannot be accepted as a ground to reject the application outright. Even in case of undivided property, measurement by competent revenue authority helps in identifying the exact location, extent and possession, which assists the Court. Further, the contention that there is no dispute between plaintiff and defendants No. 5 and 6 is a matter of evidence and cannot be conclusively decided at this stage without proper measurement. However, the alternative contention of defendants No. 5 and 6 deserves consideration to the extent that if measurement is carried out, it should be comprehensive and effective, so as to avoid multiplicity of proceedings. Therefore, to meet the ends of justice, it is necessary to appoint a Court Commissioner. Hence, I pass following order:

### **ORDER**

1. The application filed by the plaintiff for appointment of Court Commissioner is partly allowed.
2. The Taluka Inspector of Land Records (TILR), Malshiras is hereby appointed as Court Commissioner to:
  - a) Measure the suit property bearing Gat No. 178 as described in the plaint.
  - b) Fix boundaries on all sides.
  - c) Note down existing physical features.
  - d) Ascertain and report if there is any encroachment, if found.

- e) Prepare a detailed measurement map and submit the same to the Court.
3. The Commissioner shall, while conducting measurement, also take into consideration adjoining lands, including the lands of defendants No. 5 and 6, to the extent necessary for proper demarcation, but this shall not amount to partition of their land.
  4. The plaintiff shall deposit requisite fees.
  5. The Commissioner shall issue notice to all parties before conducting measurement and shall carry out the work in accordance with law and relevant revenue rules.
  6. Report shall be submitted within one month from receipt of writ.
  7. Issue commission writ accordingly.

Date: 30/03/2026  
Place : Malshiras

(U.B.Pethe)  
Jt. Civil Judge, Junior Division,  
Malshiras