

ORDER BELOW EXHIBIT 22 IN R.C.S.No.54 of 2016

Present application is filed by the plaintiff for appointment of Court Commissioner to measure plot No.5 of land Gat No.64/1A, admeasuring 2000 Square Foot, situated at Barshi.

2. It is asserted that the suit is for perpetual injunction. Plaintiff has purchased the said plot from its previous owner vide register Sale-deed dated 25.05.2001. Since then the said plot is in her possession. Her name was mutated vide mutation entry No.22151 in the record of right. However, defendants are obstructing her possession and attempting to encroach the said plot. There is a dispute between the parties to the suit. It is necessary to measure the said plot so as to fix its boundary marks. Hence, Deputy Superintendent Land Record, Barshi be appointed as Court-Commissioner. Hence, the application.

3. Defendant Nos.2 & 3 have filed the say (Exh.26) and opposed the application contending that the application is false. According to them, the suit is for perpetual injunction and hence there is no need to measure the said plot. Plaintiff is trying to collect the evidence. They have, therefore, prayed for rejecting the application.

4. Perused the record and proceeding. Heard both the sides. Only point which arises for consideration is : Whether the plaintiff has made out a case to allow the application ?

5. It is relevant to note here that the suit is for perpetual injunction. Upon a careful reading of the pleadings of the parties, it is seen that they are having plots in Land Gat No. 64/1A and that

there is a dispute between them. In the circumstances, it would be appropriate to measure the said plot at once so as to settle the dispute. Considered thus, application is not without merit. Defendants will not be prejudiced, if the application is allowed. Hence, the application is allowed, as prayed for. Hence, the order.

ORDER

1. Application is allowed, as prayed for.
2. Deputy Superintendent Land Record, Barshi is appointed as Court-Commissioner to measure plot No.5 of land Gat No.64/1A, admeasuring 2000 Square Foot, situated at Barshi.
3. Plaintiff is directed to deposit the fee in the office of Deputy Superintendent Land Record, Barshi.
4. Plaintiff is further directed to provide a copy of the present application and 7/12 extract of land Gat No.64/1A to the Deputy Superintendent Land Record, Barshi.

Date : 13.06.2018.

(S.K. Khan)
Jt.Civil Judge (J.D.),
Barshi.

CERTIFICATE

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

Name of Stenographer :

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi

Date : 13.06.2018.

Order signed by the
presiding officer on : 13.06.2018.

Order uploaded on : 13.06.2018.