

ORDER BELOW EXHIBIT-62 IN R.C.S.No.393 of 2009

This application is filed by power of attorney of plaintiff Nos.1 to 3 for appointment of court commissioner.

2. It is stated that plaintiff has filed this suit for recovery of possession of encroached area of 56 Are. Evidence of plaintiff has already commenced. Further plaintiff has called the measurement officer as witness but he filed report in the Court that the record is destroyed and not available. Due to which early measurement has become essential. Hence prayed that the T.I.L.R. Barshi be appointed as Court commissioner for measurement of Gat No.566, 501 and 567 alongwith its new Gat numbers as mentioned in the application.

3. Defendants filed the say on the said application stating that application is not legal. Evidence of the plaintiff has started. Earlier defendants application for Court commissioner was rejected. Hence prayed for rejection of the application.

4. Perused application, say and documents on record. It reveals that earlier Court commissioner application was allowed, but further it was rejected due to non-compliance by the defendants. The measurement officer has filed report that the record was destroyed and not available. Due to which it will be proper to re-measure the disputed property. There will be no harm to the defendants if the application is allowed. On the contrary, it will be helpful for the just decision of the case as the suit is for encroachment and recovery of possession. Defendant has only objected that earlier application for court commissioner was rejected. But on going through he record it seems that the record is

not available and earlier commissioner application was not rejected. Therefore, considering the above facts I am of the opinion that the application deserves to be allowed. Accordingly I pass the following order :

ORDER

1. Application is allowed.
2. T.I.L.R. Barshi is hereby appointed as Court Commissioner and is directed to conduct measurement of Gat No.566 new Gat No.566/1, 566/2 and 566/3 and Gat No.501 new Gat No.501/1 to 501/5 and Gat No.567 of Bhalgaon and report along with the map more specifically as mentioned in the application.
3. Applicant is directed to deposit requisite fees towards the measurement in the concerned office.
4. Issue writ accordingly.

Date : 25.02.2020

(J. A. Zari)
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	:	A.S.Magnur.
Court Name	:	J.A.Zari, Jt.C.J.J.D.& J.M.F.C., Barshi.
Date	:	25.02.2020.
Judgment signed by the presiding officer on	:	25.02.2020.
Judgment uploaded on	:	26.02.2020.