



R.C.S.No.564/2023
Bapusaheb / Balasaheb
etc.
CNRNOMHSO170024942023

ORDER BELOW EXH.10

This is joint application by the parties for appointment of court commissioner under Order 26, Rule 9 of the Code of Civil Procedure, 1908 (In short the “**CPC**”) for carrying out measurement of suit land in Gat No. 454 ad-measuring 10H. 16R, situated at village Kurdu, Tq. Madha, Dist. Solapur (In short the “**Suit property**”) and all adjacent Lands therein for ascertaining exact boundaries and location.

02] The plaintiff is owner of 3H. 60R + Pot Kharab 4R, defendant no. 1 is owner of 80R, defendant no. 2 is owner of 2H. 26R and defendant no. 3 is owner of 3H.46R land in Gat No. 454 of village Kurdu. Their exact boundaries are yet to be fixed. Hence, the suit came to be filed for fixation of boundaries of their respective shares and by the present application they are praying for appointment of court commissioner for the same. Considering the nature of dispute and controversy involved, appointment of court commissioner is necessary, so as to elucidate the matter in controversy. Hence, order.

ORDER

01. The application at Exh.10 is allowed.
02. The T.I.L.R., Madha is appointed as court commissioner and directed to measure the share of the plaintiff ad-measuring 3H. 60R + Pot Kharab 4R, share of the defendant no. 1 ad-measuring 80R, share of the defendant no. 2 ad-measuring 2H. 26R and share of the defendant no. 3 ad-measuring 3H.46R land in Gat No. 454 of situated at village Kurdu, Tal.Madha, Dist.Solapur
03. The TILR, is directed to conduct the measurement of suit properties, above lands of plaintiffs as well as all other adjacent fields, if necessary, and specify their exact area, boundaries of the

respective parties, extents, location and description of an encroachment, if any, at the hands of defendants or others.

04. The T.I.L.R., shall submit the map along with its report of measurement to this court within **three months** from the date of receipt of this order.
05. The parties to co-operate with the T.I.L.R., Madha, for completion of the commissioner duty.
06. The said measurement be carried out by giving prior notices to the all concerned parties, as per rules.
07. The plaintiff and defendants to bear the charges of measurement and they shall deposit the necessary charges to the office of T.I.L.R., Madha, as earliest.
08. Issue commissioner writ accordingly.

Sd/-

(Y.S. Akhare)

Jt.Civil Judge Junior Division,
Madha.

Date :- 31/01/2024

Place :- Madha.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Oder/Judgment is same word to word, as per the original order/judgment.

Name of Stenographer : Shri.P.S.Pawar, Grade - 3

Court Name : Jt.Civil Judge Jr. Division,
Madha.

Order/Judgment signed
by the Presiding Officer on : 31/01/2024

Order/Judgment uploaded on : 31/01/2024