

ORDER BELOW EXH.11
(Date 15th March, 2022)

- 1- Plaintiffs have filed application for measurement of lands ;
 - (a) ad-measuring 10H-27R at Gat No.29/1 bounded as,
 - towards east - land of Tukaram Chavan,
 - towards west- River,
 - towards south-land of Dilip Jadhav,
 - towards north-land of Ravindra Patil,
 - (b)ad-measuring 2H-92R at Gat No.21/2 bounded as,
 - towards east - land of Gat No.29/1,
 - towards west – land Kundlik Danane,
 - towards south- land of Gat No.29/1,
 - towards north- land of Gat No.29/1
- 2- Basically this is the suit for measurement, fixation of boundaries, recovery of encroached portion. Plaintiffs have exact 10H-27R land and defendant has exact 2H-92R land in same Gat No.29/1 and 29/2 as per the pleading. Simply both the parties have filed compromise at Exh.20 and they jointly filed pursis to get their lands measured, hence there is no objection by either side, moreover I find that, joint measurement is going to eradicate any doubt regarding boundaries and encroachment if any.
- 3- Heard the advocates for both side at length.
- 4- The main grievance in the application is appears to be demolition of boundary marks between suit property of plaintiff and property of defendant and encroachment committed by the defendant. It is specifically alleged by the plaintiffs that the defendant is trying to demolish the boundary

marks and encroaching of the suit property. In such circumstances, I am of the view that if joint measurement of the suit property as well as defendant property bearing Gat No.29/1 and 29/2, is carried out it would be helpful to decide the controversy between the parties.

5- The application is filed by the plaintiffs and defendant jointly therefore they have no complaint in measurement. In view of forgoing discussions, I am of the view that it would be just and proper to elucidate the matter before the Court to appoint the Deputy Superintendent of Land Record Madha for joint measurement of the Gat No.29/1 and 29/2. Hence, I proceed to following order :-

ORDER

- (i) Application is allowed.
- (ii) The Deputy Superintendent of Land Record Madha is hereby appointed as Court Commissioner and directed to carry out the joint measurement of Gat No.29/1 and 29/2, situated at village Mungshi Tq.Madha and to submit such detail report alongwith in the map as early as possible.
- (iii) Plaintiffs and defendant are hereby directed to deposit Court Commissioner fees on or before 29.03.2021.
- (iv) Issue writ accordingly to the Court Commissioner.

Date 15.03.2022.

(M.S.Quazi)
2nd Jt. Civil Judge Junior Division
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 : H.J.Mane.

Court Name : Jt Civil Judge & J.M.F.C.,
Madha.

Order/Judgment signed
by the Presiding Officer on : 15.03.2022

Order/Judgment uploaded on : 16.03.2022