

ORDER BELOW EXH. 22 IN RCS No. 186 OF 2021
(Passed on 18th September, 2021)

01. Heard both the sides.

02. This is an application made by the plaintiff to appoint Dy.S.L.R. as a court-commissioner. The plaintiff has submitted that, he has filed this suit for recovery of possession, perpetual injunction and measurement. The plaintiff has further submitted that, map of measurement work which was carried out at the instance of the plaintiff filed on record. Thereafter, the defendants have made encroachment over the property of the plaintiff. The plaintiff has further submitted that, the defendants have filed their written statements and denied the contents of encroachment. The plaintiff has submitted that it is necessary to appoint court-commissioner Dy.S.L.R., Mohol to bring on factual situation of the encroachment on record. It is therefore, the plaintiff prays to appoint Court-commissioner to bring the facts on record.

03. The defendants have filed say at Exh. 24 and resist the application and contended that the plaintiff has filed this false application. The defendants have contended that, the plaintiff has filed false suit against them. Alternatively, the defendants have submitted that, it is not sufficient to measure the Block No. 261 and 262 to ascertain alleged encroachment. It is also necessary to measure the Block No. 260 alongwith Block No. 261 and 262. The defendants have also submitted that, they are ready to deposit measurement fee of the Block No. 260/1/A and 260/1/B.

04. Ongoing through the application, say and argument advanced by both the sides, it reveals that the plaintiff has filed present suit for recovery of possession, perpetual injunction and measurement against defendants. The defendants have contested the present suit while filing written statement at Exh. 20. The plaintiff has sought TLR measurement work of Block No. 261 and 262. However, the defendants have contested the present application to the some extent. At the same time, the defendants have given consent to the measurement work subject to they demanded measurement work of Block No. 260/1/A and 260/1/B alongwith Block No. 261 and 262. The defendants are ready to deposit measurement fee for Block No. 260/1/A and 260/1/B. Hence, this application needs to be allowed. In the result, I proceed to pass the following order.

O R D E R

- A. : Application Exh. 22 is allowed.
- B. : Issue court commission to Dy.S.L.R. Mohol accordingly.
- C. : The Dy.S.L.R.Mohol, Dist. Solapur is appointed as court commissioner, he shall visit the Block No. 261, 262, 260/1/A and 260/1/B situated at village Wadwal Tal. Mohol and measure and see the locations of the boundaries of the above block numbers and also see the encroachment and fix the boundary marks thereon.
- D. : Dy.S.L.R., Mohol is directed to fix the boundaries and see the encroachment in block No. 261 and 262 and specifically mentioned who made the encroachment as alleged.
- E. : Dy.S.L.R., Mohol is directed to give written

notices to both the parties and their advocates regarding the day, time of his visit for commission at the suit property. Both the parties are directed to appear before the court commissioner accordingly.

- F. : Dy.S.L.R., Mohol, court commissioner is directed to submit his report along with map as to visit and local investigation on or before 30th October 2021.
- G. : The plaintiff is directed to deposit the Government fee in respect of Block No. 261 and 262, and the defendant nos. 1 and 2 are directed to deposit the Government fee in respect of Block No. 260/1/A and 260/1/B to Dy.S.L.R, office as per rules.

Date: 18.09.2021.
Place: Mohol.

Sd/-
(R. N. Gaikwad)
Civil Judge Junior Division
Mohol.

CERTIFICATE

I affirm that the contents of this PDF file Order /Judgment are same word to word, as per the original Order /Judgment.

Name of Stenographer : S.K. Torane

Court : Civil Judge Junior Division and
Judicial Magistrate First Class,
Mohol.

Date : 18.09.2021

Judgment /order signed
by the Presiding Officer
on : 18.09.2021

Judgment /order uploaded
on : 18.09.2021