

R. C. S. No. 330/2014

Sharada Vilasrao Patil

..... **Plaintiff**

Vs.

Smt. Laxmibai Vishnu Janugade & Ors.

.... **Defendants**

Order below Exh. 115

1. This application is filed by the plaintiff under Order 26 Rule 9 of Civil Procedure Code for appointment of Court Commissioner for inspection of the property and for taking measurement.

2. The defendants have filed say on Exh. 121. They have strongly opposed the application and prayed to reject it.

3. Heard both sides. It is submission of the plaintiff that, the defendants have constructed the building in suit property mentioned in para 1 (d). Court Commission is necessary to see where the open space around the building is kept, for measurement of building and map there of. It is submission of the defendants that the documents are available with the Municipal Council.

4. The defendants have filed with list Exh. 123 the documents namely building completion certificate issued by Municipal Council, Karad. Thus, the documents like sanction plan, measurement of buildings are with Municipal Council, Karad. The plaintiff can obtain the copies of those documents from Municipal Council, Karad. Therefore, the appointment of Court Commissioner for the vary purpose is unnecessary. Therefore, the application is liable for rejection. In the result I pass the following order.

:: ORDER ::

1. The application is rejected.

(Dictated and pronounced in open Court)

Karad.

Dt.. 06/01/2016

(P. A. Savadikar)

Civil Judge Sr. Dn. Karad.

Ganesh D. Jadhav,

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Stenographer