

**ORDER BELOW EXH. 24**

1. This is an application filed by the plaintiff under Order XXVI Rule 9 and 10 of C.P.C. for appointment of T.I.L.R as Court Commissioner. It is the contention of the plaintiff that the suit field was measured by T.I.L.R. on 2.04.2016 and it was revealed that the defendants have made encroachment over the area of 0.09 R land of the plaintiff. This measurement was carried out only of the field of plaintiff and the field of his mother. i.e. some part of survey no. 42. Therefore, to avoid clouds of doubt the plaintiff prayed for the re-measurement of the field. It is further contended that the said re-measurement will clear whether there is any encroachment over the field property of the plaintiff.

2. The defendant has filed his say at the back leaf of the application and strongly opposed the application on the ground that measurement through T. I. L. R was already done and the map is also filed on record. Moreover, the appointment commissioner cannot be made for the collection of evidence. Therefore, the present application is not tenable and prayed for the rejection of the application.

3. Heard learned counsels Shri F.S. Khan for the plaintiff and Shri. D. K. Pinjarkar for the defendant. Perused the application and say thereon. This is a suit for the removal of encroachment, possession of the field property. The dispute between the parties is of an encroachment. It is the contention of the plaintiff that the defendant has encroached the field of the plaintiff whose fields are adjacent to the plaintiff. In such a situation measurement of entire survey no.42 is a proper way by which the encroached portion can specifically found. The dispute between the

plaintiff and defendant contains boundary dispute wherein a report of commissioner would facilitate the civil court in arriving at a decision. Considering the entire facts and circumstance of the case, I am of the view that joint measurement of land of plaintiff and defendant is required to be done, in order to know whether any encroachment has been made. Therefore, I have no hesitation to allow the application by giving some additional directions. Hence, the following order is passed.

**ORDER**

1. Application Exh.24 is allowed.
2. TILR, Karanja Lad is hereby appointed as the court commissioner to carry out the commission work.
3. The court commissioner is directed to visit the suit property and conduct the survey and measurement of field survey no.42 at Mauze Bagayat Tq.Karanja Lad Dist.Washim and submit his report about survey and measurement on or before 23/04/2023.
4. Plaintiff is directed to pay respective fees of TILR Office and furnish the necessary documents for carrying out commission work.
5. Issue Commission Writ accordingly on payment of process fee by the plaintiff.

Date : 13/02/2023  
Karanja Lad.

Sd/-  
( Smt. S.N.Pund)  
Jt. Civil Judge Junior Division,  
Karanja Lad

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment/  
Order are same word to word as per the original order.

Name of Steno. :- K. A. Paraswai ( Stenographer-3)  
Court Name :- Jt. Civil Judge (Jr.Dn.) and  
J.M.F.C., Karanja. Dist. Washim.  
Date :- 13/02/2023  
Order signed by the :- 13/02/2023  
presiding officer on  
Order uploaded on :- 14/02/2023