

Order below Exh.27

(Passed on 25th June, 2019)

1. D.H. has filed this application for giving directions to TILR, Darwha for effecting measurement of 0.25 R land from gat no. 168 situated at Ladkhed , Tq. Darwha, Dist. Yavatmal.
2. It is submitted that D.H. has filed this present execution proceeding to enforce decree passed in RCS No. 79/1996 vide Exh. 149 wherein, it is decreed that the defendant is to handover the possession of 0.25 R land to the D.H. within one month from the date of decree. It means that the defendant has to give possession of 0.25 R land which is encroached by him to the D.H. as a part and parcel of gat no. 169 which is owned by the D.H.. But, after issuing possession warrant, it is not going to be possible to take possession of that 0.25 R encroached portion without the help of Competent Government Authority. Hence, D.H. prayed for giving direction to TILR for effecting measurement at the time when the Bailiff shall give possession of the encroached portion to the D.H..
3. After going through record in hand and application in hand, it appears that below Exh.24 already the D.H. has got an order for appointing TILR to measure the suit land and handover the encroached portion to the D.H.. But, today learned Adv. Shri R.B. Jadhav for D.H. submitted that he wrongly moved an application below Exh.24 which is not going to serve the purpose of enforcement of possession warrant. Hence, he has filed present application afresh today. In oral argument, learned Adv. R.B. Jadhav for D.H. stressed that the days of sowing of agricultural field have been commenced, hence, it needs to pass order as early as possible so that it will suffice purpose. After giving my thoughtful consideration to the submission of D.H. I find substance in the application. Thus, I pass the

following order :-

ORDER

- 1) Application below Exh.27 is allowed.
- 2) T.I.L.R., Darwha is hereby directed to effect measurement of 0.25 R land of gat no. 168 from East side which is encroached by the J.D. from the portion of gat no. 169 owned by D.H. when the Bailiff shall execute possession warrant.
- 3) D.H. is directed to attend office of TILR, Darwha and pay requisite fees for measurement to be taken place.
- 4) Issue letter to TILR, Darwha accordingly.

Date: 25.06.2019

(K.T. Adhayke)
2nd Jt.Civil Judge(Jr.Dn.), Darwha.