



Regular Civil Suit No. 29 of 2023.
Shankarrav Balkrushna Kajale (Kadarkhane)
- Vs.- Shrihari Narayan Rathod & Anr.
CNR No.- MHYA180008282023.

ORDER BELOW EXH.- 16

- 1] This is a joint application filed by the plaintiff as well as defendants for appointment of court commission as per the provision of Order-XXVI rule 9 of Code of Civil Procedure.
- 2] It is contention that, there is a boundary dispute between parties. In order to settle all disputes and maintain good relations, both have agreed to joint measurement of their properties. Both parties are ready to bear the necessary costs jointly. Therefore, prayed to allow the application.
- 3] Perused the application and record. Heard learned advocates for both the sides at length.
- 4] After perusal of rival pleadings it becomes clear that there is a boundary dispute between parties. It is argued on behalf of both parties that when there is a boundary dispute, properties of both parties needs to be measured jointly through the expert. I agree with the argument advanced by learned advocates on behalf of both the sides. When there is boundary dispute between the parties, joint measurement of properties of both parties is necessary. In the present matter, same ratio is applicable to ascertain and fixation of boundary marks. Therefore, properties of the plaintiff and defendants must be jointly measured through the Court commissioner. Hence, in view of reasons mentioned and for ends of justice, it is just and necessary to issue Court commission for joint measurement of the suit property as well as the property of defendants. Hence, I pass the following order.

ORDER

- 1) The application at Exh. 16 is allowed.
- 2) The Deputy Superintendent of Land Records, Ghatanji, is appointed as a court commissioner.

- 3) The Court Commissioner is directed to carry out joint measurement of sub-divisions i.e. property belong to the plaintiff admeasuring 03 Hectare. 39 Ares and property belong to defendants admeasuring 01 Hectare. 41 Ares, out of the whole Gat No. 119, area 06 Hectare. 22 Ares, situated at Patapangara, Dist.- Yavatmal, in order to ascertain their areas with boundary marks for sub-division of said areas, by giving prior notice to both parties.
- 4) Both parties shall deposit necessary court commissioner fees jointly at the concerned department and said department to accept the same.
- 5) The plaintiff shall supply copies of all necessary documents to the Court Commissioner, as required.
- 6) The court commissioner shall carry out joint measurement with demarcation of boundaries of said properties and file detail report along with the joint map.
- 7) Issue writ to the Court Commissioner along with necessary documents, accordingly.

(Pronounced in open court.)

Date :- 17/06/2023.

(A.A. Utpat)
Civil Judge Jr. Div.,
Ghatanji, Dist. - Yavatmal.