

**ORDER BELOW EXH.1**  
**(Passed on 08.01.2018)**

1. The matter is today fixed for argument. Heard the learned counsel for both parties. This is a suit for simplicitor injunction on the basis of possession over the field Gat No.102 of mouza Ramtirth, Tahsil- Ralegaon, District- Yavatmal. As against it, the defendant traversed existence of suit property at all.

2. Perused the record. Both parties get the suit property measured from time to time respectively and obtained the report in their favour. Under such circumstances no factual aspect has come before the Court to ascertain actual controversy between the parties. Both measurement carried out is leading towards ambiguous result and therefore fresh measurement through Court Commissioner is required to be carried out. Both learned counsel for parties orally consented for the joint measurement of the suit property. In the result following order is passed.

**ORDER**

- 1) The T.I.L.R. Ralegaon is hereby appointed as a Court Commissioner to carry out measurement of the suit field Gat Nos.102 and 103 of both parties.
- 2) The measurer is at liberty to get measure the adjacent fields to ascertain actual controversy between the parties on their expenses.

- 3) The Court Commissioner is further directed to carry out measurement as stated above and submit his report within the period of 2 months by collecting all relevant documents and try to find out existence of field Gat No.102 and possession of party thereon.
- 4) Both parties to bear expenses jointly.
- 5) Issue writ to the Court Commissioner accordingly.

Ralegaon  
Dt.08/01/2018

Sd/-  
**(S.P. Sadafale)**  
Civil Judge (Jr.Dn.),  
Ralegaon