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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8114 OF 2015

Uttam Tukaram Ingale

PETITIONER

VERSUS

Sudhakar Sakharam Ingale & Another

RESPONDENTS

.....
Mr. Jiwan J. Patil, Advocate for the petitioner
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 10th AUGUST, 2015

ORDER :

1. Heard learned advocate for the petitioner.
2. The petitioner purports to be aggrieved by order dated 19th June, 2015 passed by civil judge, junior division, Jafrabad, upon an application Exhibit-21, whereby his request for appointment of commissioner for measurement of suit land, has been turned down.
3. Perusal of the impugned order shows that evidence is yet to be led in the matter and thus the application could not be considered. The trial court has observed that the cited case "*Kisanlal Maniklal Rathi V. Dinkar Yashwant Patil*" *Mh.L.J.* 2004 (1) 138 would not, under the circumstances, hold the field.

4. Having regard to aforesaid, I do not think that any error has been committed by the trial court, while turning down the request under the application, since it appears to have been considered to be pre-mature. In the circumstance, it is open for the petitioner to make a proper approach at proper stage by filing appropriate application for said purpose.

5. With these observations, the writ petition stands disposed of without interfering with the impugned order.

[SUNIL P. DESHMUKH, J.]

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