

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4285 OF 2015

M/s. Super Impex .. Petitioner
vs.
M/s. Opel Land Developers & Ors. .. Respondents

Mr. Milan Desai i/b. T. R. Patel for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 24 APRIL 2015

P.C. :-

- 1] **Not on Board. Upon production, taken on board.**
- 2] This petition challenges order dated 22 January 2015 made by the Civil Judge, Senior Division, Vasai, dismissing the petitioner's i.e. defendant no. 14's application at Exhibit '25' seeking a direction to the Deputy Collector, Land Records to carry out survey in the suit property and to demarcate the same.
- 3] The impugned order has been made in Special Civil Suit No. 64 of 2012, which is basically a suit for specific performance. The execution of the sale deed in favour of the petitioner i.e. defendant no. 14 has not been disputed though there is a dispute with regard to the legality of the sale deed.

4] Be that as it may, in a suit for specific performance simplicitor, there is really no question of the defendant seeking direction against the Deputy Collector for measurement or demarcation of the suit property. The application in this regard, in a suit, was totally misconceived and was therefore rightly rejected by the impugned order.

5] Accordingly, there is no reason to interfere with the impugned order. This petition is therefore dismissed.

(M. S. SONAK, J.)

Chandka