

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2078 OF 2016

Fakir Mohammad Sk. Usman and Others ..PETITIONERS

VERSUS

Sk. Ahemad Sk. Rasool and Others ..RESPONDENTS

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Mr. K.D. Jadhav, Advocate for petitioners.

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**CORAM : T.V. NALAWADE, J.
DATED : 21st SEPTEMBER, 2016**

ORDER :

1. The petition is filed to challenge the order dated 22nd November, 2015 passed by Civil Judge Junior Division, Gangapur on Exhibit 68 in R.C.S. No. 74 of 2001. Heard learned Counsel for petitioners.

2. The suit is filed for removal of encroachment of three persons and one of them is purchaser of the suit property. It is the contention of the plaintiff that in the past measurement of the land was taken by T.I.L.R. and map was prepared on 01st November, 2000. The suit was filed for removal of encroachment and possession of Gut No.101. It

appears that plaintiff gave evidence but he could not call the surveyor to prove the map prepared by surveyor as office record of measurement was not available. In view of these circumstances, application was moved by the plaintiff for appointment of T.I.L.R. as Court Commissioner and for taking measurement again. In view of these circumstances, the Trial Court has allowed the application and has made appointment of Court Commissioner.

3. In view of the nature of dispute and the aforesaid circumstances, this Court holds that no error is committed by the Trial Court in making appointment of Court Commissioner. There is no merit in the present proceeding. Petition stands dismissed.

(T.V. NALAWADE, J.)

SSD