

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

WRIT PETITION NO. 3639 OF 2016

Suryakant s/o Keshav Gaikwad and another .. Petitioners

VS

Surendrakumar s/o Madan Bansode and others .. Respondents

Mr. Siddheshwar S. Thombre, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.
31ST MARCH, 2016

ORDER:

1. Heard learned counsel for the petitioners.
2. Petitioners had made application (Exhibit-36) in Regular Civil Suit No. 563 of 2014, for appointment of court commissioner for measurement of suit land and fixation of boundaries. That application has been rejected by learned Joint Civil Judge, Junior Division, Kallamb. under order dated 18-02-2016 impugned in writ petition.
3. Learned counsel contends that in the suit for injunction simplicitor, in order to resolve controversy, measurement of land would be necessary as there appears to be dispute in respect of areas and boundaries of gut nos. 307 and 308.

4. It is revealed that evidence in the matter is yet to be led. As such, application (Exhibit-36) appears to be premature.

5. In the circumstances, upon evidence being led, if necessary, such an application may be moved. It is for court to decide the same in facts and circumstances and merits uninfluenced by the observations herein contained.

6. Writ petition, as such, is rejected with liberty as aforesaid.

SUNIL P. DESHMUKH,
JUDGE

pnd