

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

WRIT PETITION NO. 4134 OF 2016

Anteshwar s/o Venkat Devangre and another .. Petitioners

vs

Ramesh s/o Madhavro manthale and others .. Respondents

Mr. Anand V. Indrale Patil, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.

DATE : 12TH APRIL, 2016

ORDER :

1. Heard learned counsel appearing on behalf of petitioners.
2. Petitioners-original defendants are before this court purportedly aggrieved by appointment of Taluka Inspector of Land Records as court commissioner for measurement of lands referred to in the order dated 04-03-2016 on Exhibit-57 in regular civil suit no. 374 of 2013 passed by 3rd Joint Civil Judge, Junior Division, Nilanga.
3. Having regard to the nature of dispute raised in the matter, the trial court had considered that measurement of the area of suit property as well as adjacent areas would facilitate decision making in the matter and suit cannot be concluded unless such measurement takes place.

4. Having regard to the antecedents of the matter and the position as has been contended, the court had considered that the appointment of commissioner is necessary for elucidation of the encroached land and that it would not tantamount to collection of evidence - an argument being advanced on behalf of the petitioners.

5. Having regard to aforesaid, present case does not appear to be a case requiring interference under the discretionary powers of this court.

6. Writ petition, as such, is not being entertained and is rejected.

SUNIL P. DESHMUKH,
JUDGE

pnd