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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION.9522/2016

Sarjerao Shankar Waghmare.

...Petitioner..

Versus

Dattabhau Narayan Waghmare & others.

...Respondents...

.....

Shri A.K. Gawali, Advocate for petitioner.

.....

CORAM: T.V. NALWADE, J.

DATE: 14.09.2016

ORDER :

1] The order is made below Exhibit 5 filed in Regular Civil Suit No.152/2013, which is pending in the Court of Civil Judge (J.D.), Shrigonda. The application was filed for appointment of Court Commissioner / Cadestral Surveyor to take the measurement of the land of the plaintiff and this application is rejected.

2] The submissions made by the learned counsel for the petitioner show that the suit is filed for relief of injunction. The plaintiff is feeling that the defendants have caused damage to the common Bandh and they have made

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some encroachment. The learned counsel for the petitioner submitted that this act was subsequently done to the date of filing of the suit.

3] The learned counsel for the petitioner made a statement that the plaintiff would make necessary amendment in the plaint in view of the development and then he may file application for appointment of Court Commissioner.

4] In view of aforesaid statement by the learned counsel for the petitioner, with the said liberty, the petition is disposed of as dismissed.

(T.V. NALWADE, J.)