

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11302 OF 2015

**Annapurnabai Vaijanath Dhanure Vs. Jankabai Nivrati
Kallyankar and others**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Vivek Bhavthankar, advocate for the Petitioner

CORAM : S.V.GANGAPURWALA, J.
Date : 21.03.2016.

PER COURT :

1. Heard.
2. Mr.Bhavthankar, learned counsel for the petitioner states that the application for appointment of TILR as a Court Commissioner for measurement of suit property is rejected. The learned counsel submits that after filing of the suit, the defendant has encroached upon the suit property, as such the appointment of TILR as Court Commissioner is necessary. The said aspect has not been considered by the Court and has rejected the application in a casual manner only on the ground that the suit is simpliciter for injunction.
3. As the suit stands, the order of the Court can not be faulted

with. The suit is simpliciter for injunction. Respective parties were claiming to be in possession of property, naturally, the parties will have to prove the same. The suit is also not amended with regard to removal of encroachment as is argued by the learned counsel for the petitioner.

4. In light of that, no error is committed by the Court. The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.21.03.2016.
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