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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10789 OF 2016

Shantinath Jangonda Patil

...Petitioner

vs

Mansoor Mahammad Attar

...Respondent

Mr Tejpal Ingale for the Petitioner

Mr Saurabh Oka for the Respondent

CORAM : N.M.JAMDAR, J.

21 SEPTEMBER, 2016

P.C. :

Heard learned counsel for parties. In the impugned order the learned Civil Judge has expressed that joint measurement of the entire property in question is the solution to reach the finality to the dispute. The Respondent has expressed his willingness for joint measurement. The Petition is moved on the apprehension that the Respondent is violating the order of injunction which is disputed by the Respondent. However, learned counsel for both parties, on instructions, state that the joint measurement from the Surveyor from the office of T.I.L.R., Shirol be carried out. Learned counsel for the parties state that they will make an application to the learned Civil Judge for specifying the parameters of such measurement. Learned counsel for the parties

state that such application will be made within two days from today. The learned Civil Judge will thereafter call upon the concerned officer to carry out the measurement immediately. In view of the urgency expressed by the Petitioner, learned counsel for parties so agree that their respective clients will not precipitate the matter on the site nor carry out any excavation. The statement is accepted. If after the measurement is carried out, the apprehension of the Petitioner survives, liberty to the Petitioner to move the learned Civil Judge for appropriate orders. The Writ Petition is disposed of in above terms.

(N.M.JAMDAR J.)