

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3339 OF 2016

(Pandurang s/o Bhikaji Ghode ..vs.. Shiodas s/o Sakharam Dighae and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 24-06-2016

Heard Shri O.Y. Kashid, Advocate for the petitioner and Shri K.R. Lule, Assistant Government Pleader for the respondent Nos.2 and 3.

2. The petitioner has challenged the order passed by the learned District Judge rejecting the application (Exhibit No.48) filed by him praying that the Court Commissioner i.e. Taluka Inspector of Land Records be directed to re-submit the measurement map.

3. The learned Advocate for the petitioner has submitted that the Court Commissioner was required to carry out the measurement of plot Nos.7 and 8 owned by the respective parties, however, the area of plot No.7 is only measured and area of plot No.8 is not measured. It is submitted that in these facts, the Court Commissioner be directed to again carry out the measurement of plot Nos.7 and 8 and re-submit the report.

4. In Paragraph 6 of the impugned order, it is

recorded that by the order dated 22-04-2014 the District Inspector of Land Records is directed to submit his report and therefore, the prayer of the petitioner cannot be considered.

The prayer of the petitioner for issuing directions to Taluka Inspector of Land Records to execute the commission cannot be considered as the District Inspector of Land Records is appointed as Court Commissioner to carry out the measurement.

5. As far as the submission made on behalf of the petitioner that the Court Commissioner has measured plot No.7 only and the measurement of plot Nos.7 and 8 should be carried out, the petitioner is granted liberty to move appropriate application before the District Court again. If such application is moved, the District Court shall consider the application according to law.

6. With the above observations, the petition is disposed. The parties to bear their own costs.

JUDGE

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