

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

WRIT PETITION NO. 2633 OF 2017

Babu s/o Gopal Gaware

.. PETITIONER

VERSUS

Sheshrao s/o Ganpati Gaware

.. RESPONDENT

Mr. T.M. Venjane, advocate for petitioner.

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**CORAM : S. B. SHUKRE, J.
DATE : 24th FEBRUARY, 2017.**

PER COURT :

1. Heard learned counsel for petitioner.
2. It is submitted that the order dated 18th February, 2017 is illegal as it does not deal with the contentions of petitioner made in the application vide Exh. 108, particularly, contention regarding measurement to be carried out by the Court Commissioner.
3. However, on going through the impugned order, the grievance now being raised does not appear to be correct. The learned Civil Judge, Senior Division, Nilanga has dealt with all the material contentions made in this application vide exh. 204. The learned Civil Judge has also felt that as per order dated 10th February, 2015, the Court Commissioner was not to measure the land but was only to assist the Court in delivery of the property by pointing out boundaries of the land and, rightly so. It appears that the judgment debtor i.e. petitioner, by filing such application as well as

writ petition has unnecessarily tried to delay execution of decree, which has attained finality. There is no merit in this petition. The petition stands dismissed with cost of Rs. 1,000/-.

(S. B. SHUKRE)
JUDGE

dyb