

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7925 OF 2016

1 Bhausahab Dattatraya More,
age: 35 years, Occ: Household/
Agril.;

2 Sharad Dattatray More,
age: 30 years, Occ: Nil,
through G.P.A. Holder -
Dattatraya Bhaurao More,
age: 57 years, Occ: Agril.,
R/o At Post: Miri, Tq.Pathardi,
Tq.Pathardi, District Ahmednagar.

Petitioners

Versus

Bansi Patilba Nalawade,
age: 72 years, Occ: Nil,
R/o At Post: Miri, Tq.Pathardi,
Tq.Pathardi, District Ahmednagar.

Respondent

Mr.K.M.Nagarkar, advocate holding for Mr.P.R.Nangare, advocate
for petitioners.

Mr.N.B.Narwade, advocate for the Respondent.

CORAM : S.B.SHUKRE, J.

DATE : 23rd January, 2017

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

2 On perusal of the impugned order, I do not see any
perversity or illegality therein nor any prejudice being caused to
petitioners. Once the order of appointment of Commissioner
became final and even report of the Court Commissioner was

produced on record, which report did not specifically demarcate the boundaries, an application filed below Exhibit-41 could not be said to be filed to produce on record any map or for getting modified the decree. If it is the contention of the petitioners that there was some mistake in the consolidation scheme, same should have been pointed out before passing of the decree. The executing court rightly observed that it has no power to go behind the decree. Besides above, there is no infirmity in the impugned order.

3 In the result, I find no merit in this petition. Writ Petition stands dismissed with costs. Rule discharged.

S.B.SHUKRE
JUDGE

adb/wp792516