

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 WRIT PETITION NO. 7996 OF 2013

SAYYED JAFARSAB MEHTABSAB
VERSUS
RAOSAYHEB GOVINDRAO PAWAR AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Rajiv B.
Advocate for Respondents : Mr. Deshpande Dhananjay P.
...

CORAM : S.V. GANGAPURWALA, J.
DATE : 29.08.2017

P.C. :

1. Mr. Deshmukh, the learned counsel submits that the petitioner has filed suit for possession of the encroached area of 6 R land. The petitioner has filed examination in chief. After the examination in chief on affidavit is filed by the petitioner, the petitioner applied for measurement of the said land. The Court Commissioner was appointed. The land was measured and the report is submitted by the T.I.L.R. After the report is received the petitioner filed his additional examination in chief restricted to the measurement report. The said application for filing additional examination in chief is rejected.

2. I have perused the additional examination in chief. The said additional examination in chief is restricted to the encroachment shown in the measurement. There is no bar to file additional examination in chief, if the circumstances so warrant. The said additional examination in chief is being only restricted to

the measurement report, the same could have been permitted. What could be the efficacy of the said additional examination in chief, so also the probative value is for the Court to consider while deciding the matter.

3. With these observations, the impugned order is quashed and set aside and the additional examination in chief filed by the petitioner (page 26) is allowed. Writ petition is accordingly allowed. No costs.

(S.V. GANGAPURWALA)
JUDGE

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