

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12946 OF 2017

KASHINATH SHANKAR HADGE
VERSUS
SANGRAM SHANKAR HADGE AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Rajiv B.

.....

CORAM : V. K. JADHAV, J.
DATED : 7th NOVEMBER, 2017

PER COURT:-

1. Heard.

2.. Learned counsel for the petitioner-original plaintiff submits that against the order of rejection of application seeking temporary injunction, the petitioner has preferred Misc. Civil appeal No. 11 of 2014 and on a joint pursis submitted by the parties, learned District Judge has disposed of the said appeal with specific direction in the operative part of the order specifying therein that the petitioner shall take immediate effective steps to measure the suit land by the Government machinery, fixing the boundary marks and submit the report as well as map in the trial court. It appears that instead of approaching the Government machinery for fixing the boundary marks, the petitioner has filed an application Exh.67 for appointment of Court Commissioner. It appears from the order passed by the trial court that the measurement has been already done. Thus, the trial court observed that it is not necessary to remeasure the disputed land. In

terms of clause 2 of operative part of order passed by District Judge in Misc. Civil appeal No. 11 of 2014, the present petitioner can approach the Government machinery for fixing the boundary marks and he is also at liberty to submit a report as well as the map in the trial court.

3. In view of above, I do not find any substance in the writ petition. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

rlj/