

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

WRIT PETITION NO. 7696 OF 2017

BABULAL RATAN CHAUDHARI
VERSUS
SANTOSH TUPAJI PATIL

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Advocate for Petitioner : Mr Wani Girish V.

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CORAM : V.K. JADHAV, J.
Dated: November 06, 2017

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PER COURT :-

1. Aggrieved by the order passed below Exh.49 by the Civil Judge J.D. Erandol dated 19.7.2016, the original defendant has preferred this writ petition.

2. Petitioner-defendant has filed an application exh.49 for issuance of directions to the Court Commissioner/Deputy Superintendent of Land Records. Said application came to be rejected. On perusal of the contents of the application Exh.49, it appears that suit has been instituted simplicitor for a decree of perpetual injunction. The Court Commissioner came to be appointed at the behest of the petitioner-defendant and accordingly Court Commissioner/Deputy

aaa/-

Superintendent of Land Records has submitted the report alongwith the map. In the said map, Court Commissioner has shown the disputed area. According to the petitioner-defendant, Court Commissioner has not particularly shown the aforesaid area belonging to the plaintiff-defendant. It appears from the pleadings of the parties that there is a dispute between the parties in respect of said disputed area. It is not possible for the Court Commissioner to point out specifically as to the actual possession of either of the party over the said disputed portion of the land. Both the parties have disputed the report and map submitted by the Court Commissioner. It is for the parties to substantiate their case by oral or documentary evidence in respect of the ownership and possession over the disputed area. I do not find any fault in the impugned order passed below exh.49. There is no substance in the writ petition. Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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