

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

907 WRIT PETITION NO. 12704 OF 2017

KUMAR GULABRAO KATULE AND OTHERS
VERSUS
VASANT SOPAN MUNDE AND OTHERS

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Advocate for Petitioners : Mr. Shivprasad G. Jadhavar.

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CORAM : **V. K. JADHAV, J.**

DATE : 13th December, 2017.

ORDER:

. I do not find any substance in this writ petition. The Respondents / Plaintiffs have instituted the suit for removal of encroachment and the decree of perpetual injunction in respect of the suit land Gat No.252. The Respondents / Plaintiffs have filed an application Exhibit 19 seeking appointment of Court Commissioner to measure the suit land and also the land Gat No.250 owned and possessed by the Petitioners / original Defendant Nos.1 to 15 and also the land Gat No.251, which is a Gauthan area. The Trial Court has allowed the application Exhibit 19 and further appointed the Taluka Inspector of Land Record as a Court Commissioner for joint measurement of Gat No.252 and 250 situated at village Pangari, Taluka Parli Vaijnath, District Beed.

2 The learned counsel for Petitioners submits that the Trial Court has not directed to measure the Gauthan land Gat No.251 and also the land Gat No.253, which is also placed adjacent to the suit land owned and possessed by the Respondents / Plaintiffs. I find no substance in the submissions made on behalf of the Petitioners for the reason that the Trial Court has directed to carry out the joint measurement of suit land Gat No.252 and also the land Gat No.250, which is owned and possessed by the Petitioners / original Defendants. During the course of measurement, if the area of the land Gat No.250 found as per the holding then there is no question of alleged encroachment over the suit land and if it is found in excess, probably the Plaintiffs may succeed in their suit. There is no necessity to measure the Gauthan land Gat No.251 so also the land Gat No.253 though situated adjacent to the suit land Gat No.252. I find no fault in the impugned order. There is no substance in the writ petition. The writ petition is hereby dismissed. No costs.

[V. K. JADHAV, J.]

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