

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

WRIT PETITION NO. 3340 OF 2017

Hindustan Petroleum Corporation
Through its Chief Regional Manager

..PETITIONER

VERSUS

Nandkumar Laxman Sahadu Borude

..RESPONDENT

....
Mrs. Anjali Dube (Bajpai), Advocate for petitioner.
....

**CORAM : S.B. SHUKRE, J.
DATED : 20th MARCH, 2017**

ORDER :

1. Heard.

2. On going through the impugned order, I do not see any perversity or any patent illegality could be shown to me by the learned Counsel for the petitioner. The application filed for appointment of Court Commissioner at Exhibit 106 was granted by the Trial Court and the Court Commissioner was also appointed. He took the measurement and submitted his measurement map showing the area of the construction and other details.

3. As certain deficiencies were found, another application was filed at Exhibit 113 and that application was also allowed. The Court Commissioner was directed to fix the boundary marks and to show the distance of first point from middle of Jamkhed – Daund state highway and he was also directed to mention the distance between each two points and then submit the report. All the directions were complied with by the Court Commissioner.

4. Now, if anything has remained to be shown in the measurement map, it would be for the petitioner to bring the same on record after the Court Commissioner is examined as a witness. The learned Trial Judge has considered these lacunae as technicalities pertaining to the measurement map and accordingly found that the opportunity is still available to the petitioner to appropriately remove the doubts arising from the technicalities.

5. In this view of the matter, I see no reason for interfering with the impugned order. Writ petition stands dismissed with costs and summarily disposed of.

(S.B. SHUKRE, J.)

SSD