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

WRIT PETITION NO.320 OF 2016

Balasaheb Narayan @ Kisanrao Sherkar
Age 61 years, Occu. Agri.,
R/o Ganesh Nagar, Osmanabad,
Tq. & Dist. Osmanabad ..PETITIONER

VERSUS

Anant Sheshrao Sherkar,
Age : 45 years, Occu. Agri.,
R/o Gavsood Road, Osmanabad,
Tq. & Dist. Osmanabad ..RESPONDENT

Mrs Doke, Advocate holding for Mr E.S. Murge, Advocate for petitioner;
Mr V.B. Deshmukh, A.G.P. for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 4th September, 2017

ORAL ORDER:

By order impugned dated 15th October, 2015, application Exh.18 in Regular Civil Suit No.567 of 2013, for appointment of Court Commissioner for measuring the suit property, for fixing boundaries, came to be rejected by 5th Joint Civil Judge Junior Division, Osmanabad, which is subject-matter of challenge in the present petition.

2. After hearing for some time, learned Counsel appearing on behalf of the petitioner, upon instructions, undertakes to bear entire expenses as shall be required to be paid to the competent authority towards measurement of suit property. Needless to mention that the measurement

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be not restricted to suit property only, if required the authority shall measure all the relevant lands by following due process, by issuing notice to the respective land holders.

3. Learned Counsel appearing on behalf of the petitioner undertakes to deposit the costs of the measurement within a period of one week from the date of adjudication of such costs.

4. With above observations, the order impugned is hereby quashed and set aside. Application dated 24th July, 2015 (Exh.18) stands allowed in terms of prayer clause (A) to the application.

Writ Petition stands allowed in above terms.

(NITIN W. SAMBRE, J.)

amj