

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10989 OF 2016

Shri. Ganpat Govind Pavashe and others	..Petitioners
Versus	
Shri. Kalpanath Ramnarayan Barai and others	..Respondents

Mr. V. B. Tapkir for the Petitioners.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.6 & 7.

CORAM : R. M. SAVANT, J.

DATE : 20th MARCH, 2017

PC.

1 The order dated 31.12.2015 passed by the District Superintendent of Land Records, Thane is taken exception to by way of the above Petition. The Appeal before the District Superintendent of Land Records was filed against the report of the Court Commissioner i.e. TILR dated 03.08.2010 as also the earlier two measurements. The District Superintendent of Land Records has refused to entertain the Appeal on the ground that the parties are before the Learned Civil Judge Junior Division, Kalyan in Suit No.229 of 2010 and therefore since the matter is pending before the Civil Court it would not be appropriate to entertain the Appeal. In my view, no exception could be taken to the impugned order passed by the District Superintendent of Land Records having regard regard to the fact that the Appeal was filed against the report of

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the Court Commissioner who was appointed in the said suit, though the earlier two measurements were also sought to be questioned. Hence no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]