

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 12729 OF 2017

DNYANDEO DASHRATH PANSARE
VERSUS
BHAMABAI MADHUKAR DIGHE AND OTHERS

...
Advocate for Petitioner : Mr. K. N.Shermale

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CORAM : V. K. JADHAV, J.
DATED : 7th MARCH, 2018

PER COURT:-

1. I do not find any substance in this writ petition. The petitioner / original plaintiff by filing an application Exh.113 requested the trial court for reopening of his evidence. By impugned order dated 14.09.2017, the learned Judge of the trial court has rejected the said application.

2. It is the case of the petitioner / original plaintiff that the petitioner got acquisition map on 23.03.2017 from the office of Taluka Inspector of Land Record, Sangamner and it appears from the said map that the canal passes through the part of the area of land Gut No. 90 along with the suit land Gut No. 89.

3. Learned counsel for the petitioner / original plaintiff submits that the petitioner plaintiff in para no.7 of the plaint has specifically pleaded that the said canal passes through the suit land Gut No. 89. However, the respondents / original defendants would be getting the compensation for the acquisition of their land as well as the land acquired by the Government for construction of the said canal to the extent of canal passes through the suit land Gut No. 89. Learned counsel submits that the petitioner got the said map belatedly and as such requested the trial court for reopening his evidence. Learned counsel has also produced the true copy of the map and the same is taken on record.

4. On careful perusal of the map placed on record, prima facie, it appears that there is no reference to the land Gut No. 89 so far as the area acquired for the construction of the canal as shown in the map. In view of the same, the trial court has rightly observed that the aforesaid map cannot be an acquisition map pertains to the suit land as contended by the petitioner / original plaintiff.

5. In view of the above, I do not find any substance in this writ petition. However, the observations made herein above, are limited to the extent of deciding the present writ petition and the trial court shall not get prejudiced while deciding the suit on its own merits. Hence, I pass the following order.

ORDER.

I) Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

vsm/