

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6044 OF 2018

Anand Ganesh Vaidya

..... Petitioner

VERSUS

Sahadeo Sadu Mandhare

..... Respondent

None for the Petitioner.

Mr.Aniruddha Gorge for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 24th AUGUST, 2018

P.C.

At the request of the learned counsel for the petitioner yesterday when the matter was called out, the matter is placed on board today for admission. None appeared for the petitioner when the matter was called out.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the executing court rejecting the application at Ex.39 in Regular Darkhast No. 8 of 2013 *inter alia* praying for joint survey and for land measurement. The application of the petitioner is rejected by the learned executing court on the ground that the application was filed with a view to prolong the execution of the judgment and decree and on various other grounds.

3. A perusal of the record indicates that the suit filed by the original plaintiff was dismissed. The counter claim of the defendant was

allowed. First appeal, second appeal and special leave petition filed by the petitioner are dismissed. An execution application filed by the defendant is pending for execution for quite sometime. In these circumstances, in my view, the learned executing court was right in rejecting the application filed by the petitioner herein *inter alia* praying for joint survey and land measurement.

4. Writ petition is devoid of merit and is accordingly dismissed.
No order as to costs.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

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