

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

WRIT PETITION NO. 13401 OF 2017

Muktabai Nagnath Kulal & Ors.	...	Petitioners
V/s.		
Vasudeo Vitthal Relakar & Ors.	...	Respondents

Mr.Ashok B. Tajane for the Petitioners.
Ms.A.R.S. Bakshi for Respondent No.1.
Mr.A.R. Metkari, A.G.P. for Respondent No.6 (State).

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 4th JANUARY, 2018.

ORAL JUDGMENT :-

- 1] Rule. Rule made returnable forthwith.

- 2] Heard finally at the stage of admission itself with the consent of learned counsel for both the parties.

- 3] By this petition filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 30th June, 2017, passed by the Court of Jt. Civil Judge Junior Division, Barshi, below Exhibit-63 in Regular Civil Suit No. 21 of 2012.

4] It is submitted by learned counsel for the Petitioners that the Petitioners have no objection for measurement of the suit land, as per order passed by the trial Court, provided the boundaries of Gat No.408 shall first be fixed after the measurement. It is submitted that the Petitioners are also ready to pay the requisite fees for measurement of Gat No.408 and accordingly, they had filed application at Exhibit 111 before the trial Court. It is submitted that the said application be decided by the trial Court before the measurement of the suit land, as directed by the trial Court vide impugned order dated 30th June, 2017 is carried out.

5] Learned counsel for the Respondents objects to the same.

6] However, in order to put an end to the controversy, considering the fair submission made by learned counsel for the Petitioners, it would be proper to dispose of this Writ Petition by directing the trial Court to decide the application filed by the Petitioners on 27th November, 2017 at Exhibit 111 (the copy of which is produced in this Writ Petition at Exhibit "M") as expeditiously as possible within two weeks after receipt of this order.

7] The Writ Petition is, accordingly, allowed. The trial Court is directed to decide the above said application, as expeditiously as possible, and within two weeks from the receipt of this order. Till the decision on the said application, the execution of the order passed by the trial Court below Exhibit 63 relating to measurement of the suit land is stayed.

8] Rule is made absolute in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]