

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

927 WRIT PETITION NO.3534 OF 2019

**ARJUN VISHNU CHAUDHARI
VERSUS
SAHEBRAO GAJABA CHAUDHARI AND OTHERS**

...
Advocate for Petitioner :Shri Vinayak Sudhakar Bedre
Advocate for Respondent No.1 : Shri Rahul R. Karpe

...
CORAM : P.R.BORA, J.

DATE: 16th April, 2019

PER COURT:-

1 Heard Shri V.S.Bedre, learned Counsel appearing for the petitioner. Perused the impugned order.

2 The present petitioner, who is defendant No.5 in Regular Civil Suit No.153 of 2008 had filed an application in the aforesaid Suit requesting the Court for spot inspection. The said application has been rejected by the Trial Court. In the order passed by the Trial Court, it is mentioned that having considered the grievance of the parties and since the Suit was for removal of encroachment, the Court Commissioner (Deputy Superintendent of Land Records) was appointed for measurement of disputed properties and accordingly map is placed on record by the said authority. It is further observed that witnesses have already been examined. It is also observed that sufficient opportunity

has also been given to the petitioner – original defendant No.5 and to other parties, and the matter is now reached at the stage of argument. The Court has further observed that the reason for which defendant No.5 has requested for spot inspection by the Court, can be ascertained through measurement map and available evidence on record. The Trial Court has further clearly observed that there is absolutely no good reason for local inspection of the subject property by the Court.

3 Considering the reasons assigned as above, it does not appear to me that any error has been committed by the Trial Court requiring indulgence of this Court. Writ Petition being devoid of any merit deserves to be dismissed and is accordingly dismissed.

(P.R.BORA)
JUDGE

SPT