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

921 WRIT PETITION NO.3449 OF 2019

SHAHNAWAJ IBRAHIM KHAN THROUGH GPA YASMIN
SALABAT PATHAN

VERSUS

KANTILAL PANDURANG KAWADE AND ANOTHER

...

Advocate for Petitioner : Mr. Wakale Shriraj R

...

CORAM : P.R. BORA, J.

DATED : 12th March, 2019.

PER COURT:-

. By filing the present petition, the petitioner has challenged the order dated 15.10.2018 passed by the learned Civil Judge, Junior Division, Jamkhed below application Exhibit-31 in Regular Civil Suit No.141 of 2014.

2. The aforesaid application was filed by the petitioner who is original plaintiff seeking appointment of Commissioner to measure the suit land. While rejecting the application, the learned Civil Judge has categorically observed that in the entire plaint, it is nowhere the case of the plaintiff that the respondents have made any encroachment upon the portion belonging to the plaintiff. The learned Civil Judge has further observed that only on a assumption that somebody may cause disturbance in

peaceful possession of the property, the petitioner intends to get confirmed the boundaries of his own land. The learned Civil Judge has further observed that if ultimately the plaintiff succeeds in proving the contentions, the final order may be passed of carrying out the measurement for the purpose of fixing boundaries and that the said job will be done by the TILR or the officer appointed by the TILR.

3. It does not appear to me that the learned Trial Judge has committed any error in rejecting the application. The petition being devoid of any merit deserves to be dismissed and is accordingly dismissed.

(P.R. BORA, J.)

Mujaheed//