

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 223 OF 2019

TRIMBAK KISAN MURADNAR
VERSUS
DADA BABURAO KEKAN AND OTHERS

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Advocate for Petitioner : Mr. Dighe Vithal H.

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CORAM: S. V. GANGAPURWALA, J.

DATE: 11th JULY, 2019

PER COURT:

1. The application filed by the petitioner for appointment of the Taluka Inspector of Land Records, Kopargaon and also for calling TILR for re-examination is rejected.

2. Mr. Dighe, learned counsel for the petitioner submits that the trial Court under order dated 29.06.2012, below Exhibit – 5, had appointed Taluka Inspector of Land Records, Kopargaon as Court Commissioner and had issued specific directions for measurement.

3. The TILR did not carry out the measurement as per Clause 2 of the operative order passed by the trial Court below Exhibit – 5. As the measurement was not in consonance with the order passed by the

trial Court, the petitioner made an application for re-measurement, the same is permissible. So also, the petitioner has sought re-examination by the TILR to bring on record the actual facts.

4. The re-examination cannot be as matter of course. I do not find that the petitioner had quoted some questions being left out to be asked. As far as re-measurement is concerned, the measurement has been done by the TILR. If the petitioner is aggrieved by the measurement carried out by the TILR, the petitioner has right of *Nimtana* measurement before the appellate authority. It is for the petitioner to exercise the same. The Court has considered the fact that the re-measurement is not necessary. Even otherwise, the report of the Court Commissioner has to be proved before the Court.

5. In the light of above, writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

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