

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

921 WRIT PETITION NO.13966 OF 2018

SAYYAD GAFAR VAJIR SAHEB AND ANOTHER .. Petitioners
VERSUS
GANGARAM RAJARAM KADAM .. Respondent

...
Advocate for Petitioners : Shri T.M. Venjane
Advocate for Respondent : Shri Milind Patil

...
CORAM : P.R. BORA, J.
Dated: August 01, 2019

PER COURT :-

1. With consent of the learned counsel appearing for the parties, heard finally. Perused the impugned order.

2. It is the objection of the petitioners that, though the report of the joint measurement earlier carried out is there on record, the Court has illegally allowed the application filed by the plaintiff thereby directing the second joint measurement of the properties in question. The contention so raised, apparently, is unacceptable in view of the fact that, the Commissioner, who had carried out the earlier joint measurement, is admittedly no more now. Though an attempt seems to have been made by the plaintiff to examine his Superior Officer, for want of personal knowledge he was unable to state the relevant facts before the Court. That necessitated the plaintiff to file another application seeking joint measurement of the

property and the said application has been allowed by the learned Trial Court. It does not appear to me that, the Trial Court has committed any illegality in accepting the request of the respondent-plaintiff.

3. The Writ Petition being devoid of any substance, deserves to be dismissed and is accordingly dismissed.

(PR. BORA, J.)

...