

DDR

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3682 OF 2019

Ganpat Hariba More	..Petitioner
vs.	
Balasaheb Janardhan Jagtap	..Respondent.

Shri A.K. Patil for petitioner.
Shri S.S. Redekar for respondent.

CORAM : M.S.KARNIK, J.
DATE : 25th SEPTEMBER, 2019

P.C.

Not on Board. Taken on Board.

2. Heard learned counsel for the petitioner.

3. The challenge in this Petition is to an order dated 12th December, 2018 passed by the trial Court rejecting the application made by defendant for Nimtana re-measurement by Nimtandar being not satisfied by the measurement by the Court Commissioner (TILR) in Measurement Case No. 481 of 2016.

4. I do not see any reason to interfere with the order passed by the trial Court as the evidence is being recorded. However, after

the evidence is recorded, if necessary, liberty is kept open for the defendant to make a fresh application for appointment of the Nimtandar. The application for Nimtana Measurement shall be considered by the trial Court on its own merits and in accordance with law without being influenced by the observations made in the impugned order.

5. The Petition is disposed of.

(M.S.KARNIK, J.)