

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2823/2018

Shobha Vilas Bhore & Anr.

... Petitioners

V/s.

Darshan Vilas Kashid & Ors.

... Respondents

Mr. S. T. Bhosale I/b. Dilip Bodke for the Petitioners

Mr. Anand S. Kulkarni for Respondent Nos.1 to 3.

CORAM: K.K. TATED, J.

DATED : JANUARY 14, 2019

P.C. :

1 Heard. The learned counsel for the Petitioner states that their arguing counsel is not available today. Hence, the matter may be kept back.

2 The learned counsel for the Respondent submits that by this Writ Petition, the Petitioner challenges the order dated 19.09.2017 passed by the District Judge, Solapur in Misc. Civil Appeal No.69/2016 by which the appellate court has directed the Cadestral Surveyor to submit a report in respect of the suit property. He further submits that the said report is submitted on 03.05.2018. He further submits that in view of the subsequent development, nothing survives in the Writ Petition.

3 It is to be noted that on 27.11.2018 the learned counsel for the Petitioner had made a statement before this court that

neither the Petitioner nor the Respondent has made any Application for carrying out the survey as directed by the Trial Court. It is to be noted that the advocate for the Respondent has pointed out that the Respondent has made an Application below Exhibit- 27 on 25.08.2016 with following prayers, which was allowed by the Trial Court on the same day.

“a. Application may kindly be allowed.

b. The TILR Madha may kindly be appointed as Court Commissioner to measure the Gat No.477/1A and 477/1B jointly, situated at Bhosare, Tq. Madha as per their respective arrears and to demarcate the portions and boundaries thereof.

c. Other just and equitable orders be passed.”

4 Considering these facts and as the order has already been complied with, I do not find any substance in the Writ Petition. Same stands rejected.

(K. K. TATED, J.)