

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3982 OF 2013**

Chandrakant Shankar Mande .. Petitioner

Versus

Chairman,
The Vishwadeep Co-op. Housing
Society & Ors .. Respondents

Mr. A.P. Kulkarni for Petitioner.

Mr. Nitesh V. Bhutekar for respondent No.1.

CORAM : K.K. TATED, J.

DATE : 10 JANUARY 2019.

P.C:-

. Heard learned Counsel for the parties.

2. After hearing for some time, both the counsels submitted draft minutes of order dated 10.01.2019. Same is taken on record and marked 'X' for identification. Same is accepted. Draft Minutes of Order reads thus :

"a) By consent of parties, the order dated 01/02/2013 passed by the Ld. Joint Civil Judge Junior Division, Khalapur below Exhibit-60 in RCS No.27 of 2009 is set aside. The Taluka Inspector of Land Records, Khalapur is appointed as a Court Commissioner for joint measurement of land bearing Survey No. 61/4 & Survey No. 60/1 with the help of available record for demarcation and boundaries and to submit a report before the Ld. Joint Civil Judge Junior Division, Khalapur.

b) All the expenses towards joint measurement be entirely paid by the Petitioner. The Petitioner shall communicate this order to the Ld. Taluka Inspector of Land Records, Khalapur and also deposit the requisite fees by making necessary formalities on or before 31/01/2019.

c) The Ld. Taluka Inspector of Land Records, Khalapur to complete the joint measurement and submit the report on or before 31/12/2019. The Suit before the Ld. Joint Civil Judge Junior Division, Khalapur is stayed till 31/12/2019 or till filing of the report by the Ld. Taluka Inspector of Land Records, Khalapur. The parties are at liberty to approach the Ld. Trial Court if the report is filed earlier.

d) In the event of default by the Petitioner to comply clause No. 2 above or if the report is not submitted by the Ld. Taluka Inspector of Land Records, Khalapur, then the order dated 01/02/2013 stands and the Ld. Joint Civil Judge Junior Division, Khalapur to proceed with the suit as per the dates given.

e) The present Writ Petition is disposed off in terms of the above Suit.”

3. Learned Counsel appearing on behalf of petitioner submits that petitioner-Chandrakant Shankar Mande present in Court. He submits that he also signed the draft minutes of order. Same is accepted.

4. Writ petition stands disposed of in terms of minutes of order.

(K.K.TATED, J.)