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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 14700 OF 2018

Mr. Vaibhav Sadashiv Patil

... Petitioner.

V/s.

Mr. Balraj Rayaji Mane & Ors.

... Respondents.

Mr. A.M. Kulkarni for the Petitioner.

None for the Respondents.

CORAM : N.M. Jamdar, J.

DATE : 28 January, 2019.

P.C. :-

The Petitioner – Original Defendant No.8 has challenged the order passed by the learned Civil Judge, Junior Division, Vita on the application moved by the Deputy Superintendent of Land Records (DILR), Khanapur seeking clarifications in respect of the work of commission entrusted to it by the Court.

2. The learned Civil Judge, by order dated 18 August 2015 had appointed the DILR to measure the suit property at the instance of the Respondent – Plaintiff. The DILR sought clarification in view

of the change in revenue records whereby name of the Plaintiff is stated to be substituted by the entry of the Forest Department. The learned Civil Judge, in the impugned order has opined that this change in the Revenue Records would not make a difference as far as the DILR was concerned.

3. The learned Counsel for the Petitioner submitted that the Defendant No.5 has applied for recalling of the order dated 18 August 2015 appointing the Court Commissioner. The learned Counsel for the Petitioner submits that in view of subsequent development, the appointment of the Court Commissioner needs to be recalled. However, since this application is pending, there is no warrant to comment on the merits of the same. As far as the impugned order is concerned, at the instance of the DILR, no clarification was required. In the circumstances, no further orders are required to be passed in this Writ Petition.

4. The learned Civil Judge will consider the pending application filed by the Defendant No.5 on its own merits.

5. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)