

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2072/2018
 (SUDHIR LAKHAN BUNDELE VERSUS CHANDRAKALA LAKHAN BUNDELE)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, counsel for petitioner.
 Shri C.A. Babrekar, counsel for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : AUGUST 27, 2019.

RULE. Heard finally considering the short issued involved.

The petitioner is aggrieved by the order passed by executing Court in Special Darkhast No.1 of 2016 whereby the application that was moved by the petitioner below Exhibit 25 for appointment of the Taluka Inspector of Land Records to measure the properties in question has been rejected.

The learned counsel for the parties were heard. As the decree for partition is under execution, it was put to the petitioner as to whether he was willing to handover possession of the premises in his occupation which have been allotted to the respondent. The petitioner is present in the Court today and has submitted an undertaking which is taken on record and marked 'Document A' for identification. As per that undertaking he has stated that he is in possession of six rooms on the ground floor of the suit property and he would vacate the same within a period of two months from today. The said undertaking given by the petitioner is accepted.

In view of aforesaid, order passed by the executing Court on 07.02.2018 is set aside. The executing Court shall pass orders on the application below Exhibit 35 and direct appointment of Taluka Inspector of Land Records as a Court Commissioner. This appointment would be at the cost of the petitioner. It is clarified that irrespective of the report of the Taluka Inspector of Land Records the petitioner would abide by his undertaking furnished today.

The Writ Petition is allowed in aforesaid terms. No costs.

JUDGE

APTE