

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3182 OF 2016

Rajendra s/o Nathanlal Gaur
-vs-
Prakash s/o Pinjomal Ramrakhyani and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

None for petitioner.
Shri P. K. Mishra, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.
DATE : June 24, 2019

None for the petitioner.

An order appointing the Court Commissioner for carrying out measurement as passed below Exhibit-24 on 24/02/2016 is under challenge in the present writ petition.

Shri P. K. Mishra, learned counsel for the respondents submits that the order dated 24/02/2016 has already been executed. The work of carrying out the commission has been undertaken and the report of the Court Commissioner has also been placed on record of the trial Court. He therefore submits that the challenge to the report of the Court Commissioner can be raised before the trial Court.

Accepting the statements made in that regard it can be seen that the order dated 24/02/2016 passed below Exhibit-24 stands complied with. Hence by keeping the challenge if any to the report of the Court Commissioner open for being raised before the trial

Court, the writ petition is disposed of.

The trial Court shall proceed with the adjudication in R.C.S. No.41/2012 in accordance with law. The proceedings in R. C. S. No.41/2012 are expedited.

No costs.

JUDGE