

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4103/2019

Namdeo K. Pal
..VS..
Ashok D. Pusdekar

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

Court's or Judge's orders

Shri P.P. Dhok, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 19/06/2019

Heard.

The Judgment Debtor has challenged the order passed by the executing Court, rejecting the application (Exh. 23) filed by him praying that Court Commissioner be appointed for the joint measurement of the fields of the Decree holder and Judgment Debtor. The facts on record show that by the earlier order, T.I.L.R. was appointed as Court Commissioner for the measurement and he carried out the joint measurement on 20/03/2014 and submitted report to the Court. This report was objected to by the Judgment Debtor on the ground that the report did not show the trees and bandh. Accepting the objection, the executing Court again appointed T.I.L.R. to carry out the joint measurement. Again the joint measurement was carried out on 09/08/2016 and report was submitted to the executing Court. Again the Judgment Debtor objected to this report on the ground that report of the Court Commissioner did not show the drain which exists in the field. By the application (Exh. 23), the

Judgment Debtor again requested for appointment of Court Commissioner for the joint measurement of the fields of the Decree holder and Judgment Debtor. The executing Court has recorded that failure on the part of the Court Commissioner to show the alleged drain in the map does not have any effect on disposing the execution proceedings.

The petitioner – Judgment Debtor has not been able to point out the prejudice caused to him as the drain, which according to the petitioner – Judgment Debtor exists in the field is not shown in the map. Hence, I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari