

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

WRIT PETITION NO.6812 OF 2019

Sau. Umadevi w/o Satyendra Biltheriya through her Power of Attorney Holder.

Vs.

Bhalchandra Govind Mahashabde.

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

Court's or Judge's orders

Shri J. B. Gandhi, Advocate for petitioner.
Mrs. Swati Paunikar, Advocate for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : DECEMBER 12, 2019.

1. **Rule.** Heard finally with consent of counsel for parties.
2. Challenge raised in the present writ petition is to the order passed by the trial Court refusing to cancel the appointment of two Advocates as Court Commissioners for measuring the layout in question as well as subsequent order maintaining the appointment of one Commissioner to conduct that exercise.
3. On 04.12.2019 the learned counsel for the parties were requested to take necessary instructions from the parties so as to suggest the name of the Court Commissioner who could carry out the exercise as directed in the order passed below Exh.37. After obtaining those necessary instructions, the learned counsel for the parties agree that Shri Nitin Pardhi, Nazul Surveyor with the City Survey Office at Akola be appointed as Court Commissioner to carried out the measurement as directed by the trial Court in its order dated 06.12.2018 at Exhibit 37. Accordingly, the Deputy Superintendent of Land Records, Akola is directed to depute the

aforesaid Nazul Surveyor to carry out the measurement in terms of the directions issued in the application at Exhibit 37. He shall place that report before the trial Court which shall determine the fees payable to the Court Commissioner. The parties shall bear the fees equally. The commission be executed expeditiously and preferably within period of two months from today. With these directions the Writ Petition is disposed of. Rule disposed of accordingly. No costs.

JUDGE

Sarkate