

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.3482 OF 2017

BHIMRAO VITHOBA MUNDE
VERSUS
ABHIMAN MARUTIRAO DOIFODE AND OTHERS

...
Advocate for Petitioner : Mr. Nitin Jagadale h/f Mr. V.D.
Salunke
Advocate for Respondent No.1: Mr. Angad L. Kanade
...

CORAM : V. K. JADHAV, J.
DATED : 27th February, 2020

PER COURT :-

1. Learned counsel for the petitioner seeks leave to withdraw this writ petition with liberty to lead evidence on the point of identification of boundaries as observed by the Executing Court in Paragraph No.4 of the impugned order and after the evidence is over, the petitioner would file an application for appointment of T.I.L.R. as Court Commissioner to measure the suit land, if so required.

2. Learned counsel appearing for the respondents/judgment debtors has no objection for the same if both the parties are permitted to lead evidence on the point of identification of boundaries. Learned counsel however submits that if any application is filed thereafter by the petitioner for appointment of T.I.L.R. as Court Commissioner, the trial court

shall be directed to decide the same on its own merits.

3. In view of the above, leave granted. The writ petition is dismissed as withdrawn with liberty to the petitioner as well as respondents to lead evidence on the point of identification of boundaries and after the evidence by the parties is over, the petitioner may file an application for appointment of T.I.L.R. as a Court Commissioner, if so required. Upon filing of such application, the trial Court may decide the same on its own merits after giving opportunity of being heard to the respondents/judgment debtors.

4. The writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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