

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 WRIT PETITION NO.12967 OF 2017

CHANDRAKANT DEVIDAS CHOUDHARY
VERSUS
VINAYAK NAGNATH CHOUDHARY

...
Advocate for Petitioners : Mr. A. A. Mukhedkar
Advocate for Respondent : Mr. G. G. Kadam
...

CORAM: N. B. SURYAWANSHI, J.

DATED: 29th SEPTEMBER, 2021.

P.C. :

Heard learned advocate for the petitioner and learned advocate for the respondent.

2. The petition challenges order passed below Exh.17 in RCA No. 49 of 2010 by the learned Adhoc District Judge-2, Nanded, thereby allowing the said application and appointing District Inspector Land Record, Barad, Tq. Mudkhed, District Nanded as Court Commissioner for measurement of the suit property, admeasuring 3H-07R, out of Gut No. 245 situated at Barad, Tq. Mudkhed, District Nanded.

3. During the course of argument, the learned advocate

for the respondent has pointed out that pursuant to the order impugned in the present petition the measurement is carried out and the Commissioner has placed his report on record in the appeal. In that view of the matter, this is not a fit case to exercise extra-ordinary writ jurisdiction. The petitioner may contest the admissibility of the said report at the time of final hearing of the appeal. With these observations, writ petition is disposed of.

(N. B. SURYAWANSHI, J.)

vsm/