

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

WRIT PETITION NO. 4272/2021

Abdul Shamikhan Abdul Hamikhan **...Versus...** Bhaskar Khanduji Lahane
and anr

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

Court's or Judge's orders

Mr. R.G.Kavimandan, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/11/2021

Heard Mr. Kavimandan, learned counsel for petitioner/original Defendant No.1, who challenges the order dated 09/01/2020, passed below Exh.45, passed by the learned Civil Judge, Junior Division, rejecting the application for appointment of Court Commissioner for measurement of the property.

It is an admitted position that the suit is not for removal of encroachment, but is for cancellation of sale deed executed by Original Defendant No.1 in favour of Defendant No.2 and other reliefs. There is obviously no reason for filing any application for measurement of the property, as there is no dispute regarding its identification or its boundary. That being the case, I do not see any reason for interfering in the impugned order. The petition is therefore without any merit and the same is dismissed.

JUDGE

rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 17.11.2021 17:51