

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

12 WRIT PETITION NO.12489 OF 2022

**BHAUSAHEB KARBHARI SATALE DIED
THROUGH LRS KIRTIKUMARBHAUSAHEB SATALE AND OTHERS
VERSUS
ANKUSH SANTRAM MHETRE AND OTHERS**

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Advocate for Petitioners : Mr. Vivek V. Tarde

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CORAM : SANDEEP V. MARNE, J.

DATE : 12-12-2022

PER COURT :

. By way of the present petition, petitioners have challenged the order dated 30.03.2022 passed by the Jt. Civil Judge Junior Division, Karjat below Exh.108 in Regular Civil Suit No.132 of 2015 rejecting plaintiffs' / petitioners' application for appointment of Court Commissioner for measurement of land and to show actual encroachment. On an earlier occasion, the application for appointment of Court Commissioner was allowed by order dated 11.12.2018 and the Taluka Inspector of Land Records, Karjat was directed to measure the suit property bearing Survey No.217/A1. Accordingly land has been measured by Taluka Inspector of Land Records, Karjat and petitioners are found to be in possession of lesser area than the one reflected in the revenue records. Therefore, petitioners have filed another application for appointment of Court

Commissioner for re-measurement of the land. The trial Court has recorded a finding that in the measurement record of Gat No.217 the exact area of the land has not been specified. Therefore the Taluka Inspector of Land Records will not be in a position to find out the exact area of encroachment, if any. The trial Court has therefore held that no practical purpose would be served in remeasuring the land. On that count the application has been rejected.

2. The learned counsel for petitioners submits that the area of the land can be ascertained from the measurement records. If that is the case, petitioners are at liberty to produce necessary measurement map. However for that purpose, reappointment of Court Commissioner is not at all warranted. The petition is devoid of merits and the same is dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)

GGP