

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

WRIT PETITION NO. 10781 OF 2022

Subhash Maroti Shelke .. Petitioner

Versus

Arun Sopanrao Shelke .. Respondent

Shri Krishna P. Rodge, Advocate for the Petitioner.

**CORAM : SANDEEP V. MARNE, J.
DATE : 17TH OCTOBER, 2022.**

FINAL ORDER :

. By this petition, the petitioner challenges order dated 10th July, 2019 passed by the Joint Civil Judge Junior Division, Ahmedpur rejecting application below Exhibit 60. The application below Exhibit 60 was filed by the petitioner for appointment of Assistant Superintendent of Land Records, Ahmedpur as Court Commissioner for measurement of the land. At the stage when the application was filed, the evidence of both the parties was already over and the suit was closed for arguments. The trial Court has also observed that the surveyor who had conducted the survey has already been examined as a witness. On this ground the application is rejected.

2. There is delay of more than three years in filing the present petition. Though the pretext of Covid – 19 pandemic is pleaded in the petition to justify the delay in filing present

petition, such delay is fatal especially in view of the fact that the suit was fixed for arguments when the impugned order dated 10.07.2019 was passed. It appears that after passing of order dated 10.07.2019, an application has been filed for recalling of the witness, which apparently has delayed final decision of the suit.

3. The petition is thus clearly barred by laches. Even on merits, I do not find any error being committed by the Trial Court in rejecting the application. The petition is devoid of any merits. Same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22