

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

APPEAL AGAINST ORDER NO.4/2017

Wasudeo Daulatram Wadhwani Vs. Punjappa Vishwanathappa Zagade

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

Court's or Judge's order

.....
Mr. R. M. Vaidya, Advocate h/f. Mr. Anand Parchure, Advocate
for Appellant.
Mr. N. A. Padhye, Advocate for Respondent.

CORAM : AMIT B. BORKAR, J.

DATED : 2nd AUGUST, 2022.

1. Learned Advocate for appellant, on instructions, states that appellant has made the original plaintiff aware of the consequences of the order of remand, which is the subject matter of challenge in the present Appeal.

2. He states that the original plaintiff has no grievance against the order of remand provided the operative part is clarified as per observations made in paragraph No.22 of the order of the Appellate Court.

3. In view of specific instructions from the original plaintiff, the Appeal is disposed of with a clarification that the Trial Court shall appoint D.I.L.R., Buldana as a Cadastral Surveyor to carry out the measurement of the suit property in the context of the averments made in the plaint and identify boundary marks and draw map of encroachment, if any, in the presence of both the parties as well as Advocates.

4. The Appeal is disposed of with the above clarification.

5. Rest of the part of operative order of Appellate Court shall remain as it is. The Trial Court to decide the suit uninfluenced by the observations made by the Appellate Court.

JUDGE

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