



Commissioner's report and after receipt of survey report, the Trial Court is given liberty to decide the application Exhibit-5 de novo, or if the parties are willing and agreed, then to decide the suit finally. Respondents are also directed not to obstruct peaceful possession of the appellants over the suit property till the order is passed below Exhibit-5.

4. It is informed at the bar that the exercise directed by the Appellate Court is not carried out till today.

5. In that view of the matter, the Trial Court shall implement the directions given in clause 3 in the order of Appellate Court. The same shall be done within a period of four weeks from the date of receipt of writ of this order. After receipt of Commissioner's report, Trial Court shall decide application Exhibit-5 de novo, without being influenced by the observations of the first Appellate Court.

6. Directions in clause 4 of the Appellate Court's order shall be subject to the final decision of application Exhibit-5.

7. With these observations, writ petition is disposed of.

**[NITIN B. SURYAWANSHI, J.]**