

Bhagyawant Punde

boundaries is also made. Defendants/petitioners appeared and resisted the suit by filing written statement contending that it is the plaintiff who is encroaching in the land owned by defendants.

3. Plaintiff filed application Exhibit-33 for measurement of suit land by appointing Taluka Inspector of Land Records, Paranda. Defendants filed say to the application requesting the Trial Court to direct measurement of entire Gat No. 98. The Trial Court has allowed the application by only directing measurement of the land of plaintiff. Hence, the present petition.

4. Upon hearing learned advocate for the petitioners and learned advocate for the respondent and on going through grounds raised in the writ petition, documents annexed thereto and the impugned order, this Court is of the opinion that impugned order needs to be modified.

5. There appears boundary dispute between plaintiff and defendants and in the suit a prayer is also made for fixation of boundaries and measurement of suit land. Taking into consideration the pleadings of the parties, to resolve the controversy between the parties, the Trial Court ought to have

directed measurement of land of the plaintiff and defendants in Gat No. 98. This would help the Trial Court to effectively adjudicate the dispute between the parties. Hence, the following order:

**ORDER**

- (i) Writ petition is allowed.
- (ii) Impugned order dated 27.02.2020, passed by 2<sup>nd</sup> Joint Civil Judge, Junior Division, Paranda, below Exhibit-33 in Regular Civil Suit No. 929 of 2016 is modified to the effect that Deputy Superintendent of Land Records, Paranda, shall measure the property in possession of plaintiff and defendants in Gat No. 98, situated at Mauje Bavchi, Taluka-Paranda, District-Osmanabad, and shall fix the boundaries thereof. Defendants shall pay necessary measurement fees in the Trial Court.

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