

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

28 WRIT PETITION NO.12948 OF 2023

SANJAY MAHADU DHAKARE AND OTHERS
VERSUS
ANILKUMAR RAMNATH METHI KHANDLWAL AND OTHERS

...
Advocate for Petitioners : Mr. Palodkar Devdatt P.
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CORAM : S. G. MEHARE, J.
DATE : 18.10.2023

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. The petitioners/defendants have impugned the order passed below Exh.15 filed under Order 26 Rule 9 of the C.P.C. The suit of the plaintiffs was for the removal of the encroachment made by the petitioners in his Gut No.57. The defendants are the owners of Gut No.58. The defendants have raised an objection to the application for measurement contending that the adjoining land Gut Nos.55, 56, 59 and 61 and 66 shall also be measured, as those are adjoining to the suit Gut No.57. If that is done, the day will come that all the fields of the village will have to be measured.
3. The Court has to see the case before it and the allegations levelled against the defendants. The plaintiffs' case

was very specific that the defendants who were the adjoining owners of Gut No.58 have encroached upon the Gut No.57. Therefore, he has prayed to measure both the lands to ascertain the encroachment. The Court has accordingly passed the correct order to measure Gut Nos.57 and 58 and there appears no error in the impugned order.

4. Hence, the writ petition stands dismissed at the admission stage.

(S. G. MEHARE, J.)

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vmk/-