

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4329 OF 2021**

Balaso Appaji Deokate and Ors.

.. Petitioners

Versus

Popat Namdeo Deokate and Ors.

.. Respondents

.....

- Mr. Sushant S. Prabhune, Advocate for Petitioners
- Mr. Abhijeet Kulkarni a/w. Krushna Jaybhay, Advocates for Respondent Nos. 1 to 3

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CORAM : MILIND N. JADHAV, J.**DATE : FEBRUARY 20, 2023.****P.C.:**

1. Heard Mr. Prabhune, learned Advocate for Petitioners and Mr. Kulkarni, learned Advocate for Respondent Nos. 1 to 3.
2. Perused the impugned common order dated 09.06.2021 passed below Exhs.58 and 59 in R.C.S. No. 340 of 2016.
3. Admittedly, Petitioners who are Defendants in the suit before the learned Trial Court desired to fix the boundaries of Gat Nos. 618 and 624 and were also ready to deposit the expenses for the same.
4. Mr. Kulkarni after taking instructions from his client has submitted to the Court today that the Plaintiffs before the learned Trial Court would have no difficulty if the order dated 09.06.2021 passed by the learned Trial Court which is impugned in the present Writ Petition is implemented.

5. In view of the no objection given by Mr. Kulkarni to the impugned order dated 09.06.2021, it is now left to the Petitioners (Defendants before the learned Trial Court) to seek implementation of the order.
6. Writ Petition is therefore become infructuous.
7. After above order is dictated, Mr. Prabhune has obtained instructions from his clients and informed the Court that Petitioners shall pay the charges of the T.I.L.R. for the implementation of the order dated 09.06.2021 afresh.
8. In that view of the matter, Petitioners are directed to deposit the necessary fees with the T.I.L.R. and the T.I.L.R. is directed to implement the said order in accordance with law.
9. A joint request is made by Mr. Prabhune and Mr. Kulkarni that instead of implementing the order by employing the latest possible technology of drone cameras for carrying out survey and measurement as directed under the order dated 09.06.2021, the directions given in the earlier order dated 16.09.2020 may be implemented by the T.I.L.R. while carrying out the measurement of the land. T.I.L.R. shall take note of this and the directions contained in the order dated 16.09.2020 and carry out the measurement as directed.
10. Writ Petition is disposed.

[MILIND N. JADHAV, J.]