

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

WRIT PETITION NO.2456/2023

Gurudas Bondkuji Kamble (since deceased) through his L.Rs. Smt. Tulsa wd/o
Gurudas Kamble and others

...Versus...

Ghularam Ganpat Borkar (since deceased) through his L.Rs. Gajendra s/o
Ghularam Borkar and others

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

Court's or Judge's orders

Mr. Rohit Joshi, Advocate for petitioners
Mr. N.R. Bhishikar, Advocate for respondent nos.1 (a) to 1 (e)

CORAM : AVINASH G. GHAROTE, J.

DATE : 01/08/2023

1. Heard Mr. Rohit Joshi, learned counsel for the petitioners. The petition challenges the order below Exh.75 dated 31/03/2023, by which the application for measurement of the encroachment for the purpose of executing the decree has been allowed. The bailiff felt difficulty in demarcating the encroachment, on account of which, the aforesaid order has been passed. It is not in dispute that the judgment and decree dated 07/01/2005 passed in Regular Civil Suit No.122/2000 delineates the area which has been encroached by the petitioner and therefore, the encroachment is already established. It is only to demarcate the encroachment and

deliver the possession, the assistance of the Taluka Inspector of Land Records (TILR) has been directed by the impugned order, which is a step-in-aid to the execution of the decree, which has already attained finality.

2. In that view of the matter, I do not see any reason to interfere in the impugned order on the ground that after the demarcation is done by the TILR, the petitioner ought to be permitted to object to such demarcation. The writ petition is, therefore, dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar