

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

Writ Petition No.8120/2019

Pundlik V Sunanda and another

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

Court's or Judge's Orders

Mrs Pallavi Mahashabde, Adv for petitioner.
Mr. P.P. Kothari, Adv for resp. no.1.
Mr. S.I. Ghatte, Adv for resp. no.2.

CORAM : AVINASH G GHAROTE, J.
DATE : 13-02-2023

The petition challenges the order below Exh-35 by which the objection raised by the petitioner/claimant to the measurement map Exh- 33 has been postponed to the final decision of the suit and the order below Exh-36 which is an application by the plaintiff to examine the Commissioner and the Surveyor. Insofar as Exh-36 is concerned, it is an admitted position on record that the person who had prepared the map at Exh- 33, Mr. Ghatte, has already been examined the petitioner as PW 3, therefore the question, to again examine him, does not arise at all. The rejection is confirmed.

2. Insofar as Exh-35 is concerned, it would be appropriate, if the objections to the

Commissioner report are decided at the earliest so that depending upon the result, the parties would be free to take course of action which they choose. Therefore, order below Exh-35 is quashed and set aside and the trial Court is directed to decide the objections as raised by the application Exh-35 at the earliest.

3. Petition is party allowed in above terms.
No costs.

JUDGE