



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

SECOND APPEAL NO. 104 OF 2019

Maroti Sakharam Korde and others .. Appellants

Versus

Dattatraya Ramngeer Giri .. Respondent

Mr. Arvind Deshmukh, Advocate for the Appellants.
Mr. Anand V. Indrale Patil, Advocate for Respondent.

**WITH
CIVIL APPLICATION NO. 2812 OF 2019
IN SA/104/2019**

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2024.

PER COURT :-

. After hearing learned counsel for both sides at length, they agree for setting aside the judgment and decree passed by the First Appellate Court as well as Trial Court and to remand the matter back to the Trial Court for decision afresh by carrying the measurement through TILR.

2. Since the suit is of the year 2002, following directions are required to be issued for early disposal of the trial :-

(i) The parties to appear before the Trial Court on 06.03.2024.

(ii) Joint application be filed by plaintiff and defendant for

appointment of TILR as Court Commissioner to measure land in dispute.

(iii) Trial Court to forthwith allow such application and call upon TILR to submit report of measurement within one month.

(iv) R.C.S. No. 31/2002 be decided at earliest and in any case within six (06) months from 06.03.2024

3. In aforesaid terms, second appeal stands disposed of.

4. In view of disposal of second appeal, Civil Application No. 2812 of 2019 also stands disposed of.

(R. M. JOSHI, J.)

PS.B.