



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

912 WRIT PETITION NO. 8400 OF 2024

**JADUSINGH SANTARAM KHOKAD
VERSUS
MAHADEO BANSI KHOKAD AND OTHERS**

...
Advocate for the petitioner : Mr.M.P.Gandle

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.08.2024

P.C. :

1] Heard the learned counsel for the petitioner. The learned counsel for the petitioner submits that by order dated 29th April, 2024, the Civil Judge Senior Division, Sillod has granted decree of injunction against the defendants in respect of land Gat No.713 situated at village Palshi to the extent of 2 Acres 13 Gunthas. The learned counsel further submits that notwithstanding the decree is passed in his favour, there is encroachment upon the suit property and that he has again filed a suit, seeking removal of the encroachment. Along with the said suit, the petitioner has also filed an application for measurement of suit land

bearing Survey No.289 by appointing Court Commissioner and to fix boundary mark in respect of the land of the petitioner. However, the said application is rejected by the trial Court, holding that the plaintiff has produced hand sketch at Exh. 38/1 in which no specific portion of the land is shown as encroached portion and the petitioner has not disclosed the block number of the defendant nos. 1 to 8 in the hand sketch. The learned counsel for the petitioner submits that since the decree is passed in favour of the petitioner, the respondent ought not to have interfered with the suit property.

2] The trial Court has rejected the application holding that the plaintiff-petitioner has produced hand sketch at Exh. 38/1 in which no specific portion of the land is shown as encroached portion and the petitioner has not disclosed the block number of the defendant nos. 1 to 8 in the hand sketch.

3] If the decree of mandatory injunction as contended is passed in favour of the petitioner in another

Civil Suit, the petitioner can seek recourse to the remedy of execution of decree if available in law. The impugned order passed by the learned trial Court is not erroneous. In view of the same, no interference is called. Hence, the present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC