

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17652 OF 2024

SATISH
RAMCHANDRA
SANGAR

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2025.01.03
17:45:55 +0530

Eknath Nilu Chopde
(Since deceased through Legal Heirs)
Shri.Daulat Eknath Chopde and Ors. ...Petitioners

V/s.

Shri.Murlidhar Nilu Chopde (Deceased)
Shri.Vilas Murlidhar Chopde and Ors. ...Respondents

Mr.Bhalchandra Shinde:-	Advocate for Petitioners.
-------------------------	---------------------------

CORAM : S. M. MODAK, J.
DATE : 10th DECEMBER 2024

P. C. :-

1. Heard learned Advocate for the Petitioner-Plaintiff.
2. He has filed an Application for appointment of the Court Commissioner TILR for ascertaining the additional encroachment. According to him, this encroachment was done during pendency of the suit. Earlier suit is for removal of encroachment only.
3. The trial Court has rejected that prayer as per the order dated 23rd August 2024. (Page No.61). I have read the said order. After

reading, I agree with the reasoning given by the trial Court in Para No.6 that “*if there is no averment in the plaint about additional encroachment and if an attempt is made for measurement through TILR, it is certainly for recording of evidence*”. No interference is warranted.

4. In view thereof, **Petition stands dismissed.**

[S. M. MODAK, J.]