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26-WP-3473-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 3473 OF 2025

Venunath Kisanrao Dhanwate And Others

VERSUS

Kishor Rakhmaji Dhanwate And Others

...

Mr. Shailesh S. Chapalgaonkar, Advocate for the Petitioners.

Mr. Darshan D. Pokharkar Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 21st MARCH 2025

PC :-

1. Heard the learned Advocate for the petitioners and Learned Advocate Mr.Pokharkar, who appears *suo moto* for respondent No.1.
2. The order passed by the learned Joint Civil Judge Senior Division, Rahata dated 17th January 2025 on Application below Exh.113 in RCS No. 253 of 2013 is under challenge. The petitioners-original plaintiffs have prayed for appointment of Commissioner for measurement of sub-division of the land. The trial Court observed that, till now, the evidence of the parties is not over. There is already one measurement carried out and report is on record alongwith map. The said map is not denied by

the plaintiff and rejected the application. So far as the reason assigned by the trial Court of non completion of the evidence, this Court does not find any illegality or perversity in the said reason.

3. In view of above, this petition is conveniently disposed off by keeping the liberty open to the petitioners to apply at appropriate stage.

4. Considering above, following order:

ORDER

- (i) Writ petition stands disposed off.
- (ii) Petitioner is at liberty to file application at appropriate stage.
- (iii) Needless to say that, the Court shall consider the said application, if filed, on its own merit. This Court has not observed anything on merit.

[KISHORE C. SANT, J.]