



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1014 WRIT PETITION NO. 4940 OF 2023

SACHIN GENU VARPE
VERSUS
ASHOK KISAN VARPE AND OTHERS

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Advocate for the Petitioner : Mr. Shermale K. N.
Advocate for Respondent Nos. 1 to 6 : Mr. Temkar R.K.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner challenges the order dated 03.04.2023 passed below Exhibit 131 by 2nd Joint Civil Judge, Senior Division, Sangamner in Regular Civil Suit No. 308 of 2017, whereby application filed by the plaintiff for permission to cross examine to the Cadestral Surveyor came to be rejected on the ground that on earlier occasion opportunity was given to the plaintiff to cross-examine him.
3. Learned Counsel for the petitioner submits that the learned trial Court rejected the application only on the ground that earlier opportunity was given to the plaintiff. Plaintiff's earlier application was rejected and therefore, on the same ground another application below Exhibit 131 came to be filed.
4. Having gone through the order passed by the learned trial

Court, it reveals that as the suit is for removal of encroachment, the evidence of the Cadestral Surveyor is essential for just decision of the case and plaintiff must be granted opportunity to cross-examine him. Therefore, to give one more opportunity, in the interest of justice, I am inclined to allow the Writ Petition by setting aside the order passed by learned trial Court.

5. In view thereof the Writ Petition is allowed. The order dated 03.04.2023 passed below Exhibit 131 by 2nd Joint Civil Judge, Senior Division, Sangamner in Regular Civil Suit No. 308 of 2017 is hereby quashed and set aside.

6. Application below Exh. 131 is allowed.

(SIDDHESHWAR S. THOMBRE, J.)

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