



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

116 WRIT PETITION NO. 12671 OF 2025

GHANSHYAM CHATUDAS AAHUJA

VERSUS

MAHADEVI SANGAPPA BIRAJDAR AND OTHERS

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Advocate for the Petitioner : Mr. L. B. Palod

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.10.2025

PER COURT:

1. Heard.

2. The petitioner is the original plaintiff and has filed the suit for removal of encroachment and possession of the part of the property which is encroached upon. It is stated that in the pending proceeding the plaintiff filed application for measurement by the TILR, which was allowed. Thereafter, another application was filed and joint measurement was also carried out of the property. The matter was at the stage of final arguments, and yet another application is filed by the plaintiff for measurement of the property by district TILR. The learned counsel for the petitioner submits that the said application is necessitated as notice of measurement was not given to all the concerned party. He submits that if the report is rejected that there is no evidence left before the trial court and that the plaintiff would suffer. He also submits that TILR

report also suffers from certain infirmities and that it is necessary that a fresh TILR report be called for by the trial court.

3. The matter is pending for final arguments. The property of the plaintiff and the defendants has been measured twice. In view of this situation, as of now, it is not possible for this court to hold that the TILR report would be either rejected or accepted, so also, sufficiency of other evidence on record cannot be commented upon. The reliance placed on the Judgment of **Yasin Gulab Shikalkar Vs. Maruti Nagnath Aware and others, Writ Petition No.7278 of 2022, dated 25.01.2023** does not aid the petitioner as in that case the appellate court has rejected the report of the TILR and there was no material before the court to render a finding on the measurement, as such, this court observed that the appellate court can appoint another TILR in the fact situation. However, the said case, is not similarly placed as of the present case.

4. Considering the same, no case is made out for interference.

5. The Writ Petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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