



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 12467 OF 2025

TULSHIRAM GANGADHAR POKALWAR ALIAS PARDIKAR DIED THR LRS
VITTHAL TULSHIRAM POKALWAR AND ANOTHER

VERSUS

KALAWATIBAI GANGADHARRAO BUREWAR AND OTHERS

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Advocate for the Petitioner : Mr. Mane Dhananjay A.

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CORAM : ARUN R. PEDNEKER, J.

Dated : October 09, 2025

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By way of present writ petition, the petitioners challenge the order dated 4.4.2022 passed by the learned Civil Judge, J.D., Bhokar below Exh. 50 in R.C.S. No. 193/2018, by which the application filed by the respondents/defendants for appointing the Court Commissioner is allowed.
3. The present writ petition is filed on 28.5.2025. I am informed that the measurement is carried out. The writ petition is filed belatedly. The learned counsel for the petitioner points out para 15 of the writ petition, which is as under :-

"15. After preparation of measurement report and map the said report was challenged by the petitioners by filing an appeal before the District Superintendent of Land Record, Nanded on 06.12.2022, said appeal was dismissed by the authority on 11.8.2025, the applicant received the copies on 21.08.2025, thereafter they approached to the advocate for preferring the appeal against the order dated 11.08.2025, were the concerned advocate had informed them that, the measurement was done on the basis of the order passed by the Learned Civil Court below Exh-50 and thus unless the said order is challenge and set aside the measurement cannot be question, the petitioners thus learnt that inadvertently they have avail the misconceive

remedy, to prosecute the said remedy some time was consume, after the advise by the concerned advocate they have immediately prefer the present writ petition, thus due to the circumstances mentioned herein above some delay and latches was caused while preferring the present writ petition, the petitioners requested to condone the said latches in the interest of justice."

The learned counsel submits that there is no delay and latches in filing the present writ petition. Perusal of the aforesaid para would show that the petitioner has challenged the measurement carried out and not the order of appointing the Court Commissioner and the same cannot be reason for delay in filing the present writ petition.

3. In view of the above, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/