



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO. 2458 OF 2025

Bhimashankar Janardhan Khobare

VERSUS

Ghatneshwar Shivling Khobare

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Advocate for Petitioner : Mr. Madde Shrikant B

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2025

PER COURT :-

1. Petitioner impugns the order dated 6.9.2024 passed by the learned Civil Judge S.D. Latur in Regular Civil Suit No.72 of 2023 below Exhibit-16, by which the application seeking appointment of the Court Commissioner has been disposed off for want of prosecution.

2. It appears that petitioner has instituted suit for recovery of possession and perpetual injunction of the suit land. Apparently, there is dispute as to boundary. The plaintiff wish to cause measurement of land through the Commissioner i.e. Deputy Superintendent of Land Records. An application to that effect was filed in suit below Exhibit-16, however, same has been disposed off observing that plaintiff failed to argue the matter.

3. In that view of the matter, it would be appropriate to dispose off this writ petition by granting liberty in favour of the plaintiff to file a fresh application for the same relief. In the

result, Writ Petition is **disposed** of with liberty in favour of the petitioner to file a fresh application for appointment of the Court Commissioner. In case such application is filed, learned Trial Court shall decide the same without influenced or impeded by the impugned order dated 6.9.2024. Writ Petition stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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