



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2384 OF 2025

Bhanudas Dagduji Gawande
Vs.
Sheikh Usman S/o Sheikh Munshi and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.K. Mohta, Advocate for petitioner.

CORAM : ANIL L. PANSARE, J.

DATE : 02.05.2025.

The challenge is to order dated 06.03.2024 passed below Exh. 71 by the learned 3rd Joint Civil Judge Junior Division, Buldana in Regular Civil Suit No.133/2014, thereby rejecting the application filed by the petitioner/original plaintiff. The application was filed under Order 26 Rule 9 of the Code of Civil Procedure, 1908, to measure Gat Nos. 149 and 155 situated at Dhad, Taluka and District – Buldhana, and to show their locations in the map.

2. Having heard the learned counsel for the petitioner, it appears that the controversy lies in conveyance executed by the petitioners. There are

two sale deeds, by which the petitioner has purchased land under question. The first sale deed is dated 23.02.2012. It appears that the petitioner has purchased land admeasuring 1.11 H.R. out of 3.07 H.R. in Gat No.155. The second sale deed is dated 18.05.2012. The petitioner has purchased 0.34 H.R. out of 3.07 H.R. in Gat No.155.

3. The learned counsel for the petitioner submits that in the first sale deed Gat Number was inadvertently mentioned as Gat No. 155 instead of 149. According to him, boundaries mentioned in the said sale deed are of Gat No.149.

4. I do not find any substance in the aforesaid argument. Firstly, the boundaries, particularly, the southern boundary indicates that in southern side, there is remaining land of Gat No.155. It cannot be, thus, said that the petitioner has purchased property bearing Gat No.149. Secondly, if at all what has been stated by the petitioner is correct, then the proper remedy will be to get correction in the sale deed. Once sale deed is registered, correction in same will be permissible by subsequent registered document.

5. The petitioner could not have filed application under Order 26 Rule 9 to measure the land and identify location on the ground that there is discrepancy in the conveyance executed by the petitioner.

6. That being so, the trial Court has rightly rejected the application. There is no merit in the petition. Hence, the petition is rejected.

(ANIL L. PANSARE, J.)