IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 926 OF 2026
IN WP/14366/2025

Ashok So Trimbak Ajnikar
VERSUS
Anuja Do Santosh Reddy
...
Mr. S. M. Kamble, Advocate for the Petitioner
.....

CORAM : AJIT B. KADETHANKAR, J.
DATED : 31ST OCTOBER, 2026

P.C. :-

. It appears that during hearing of Writ Petition No.14366 of 2025, the petitioner and respondents therein agreed to appoint Court Commissioner for joint measurement and to fix boundaries of gut no.117 and 118. It was also held that the defendants will not object for joint measurement and fixation of boundaries. The Deputy Superintendent of Land Records, Latur was appointed as Court Commissioner. Paragraph no.4 of the said order speaks thus:

> *4. Looking to the controversy involved in the suit, it is evident that this is a dispute as to boundary of Gat Nos.117 and 118. In this backdrop, learned advocates appearing for respective parties have filed joint pursis dated 04.03.2026, whereby plaintiff and defendants agreed to appoint Cout Commissioner for joint*

> *measurement and fixing of boundaries of Gat Nos.117 and 118. It is also agreed that defendants would not object for joint measurement and fixation of boundaries. The Deputy Superintendent of Land Record, Latur to be appointed as Court Commissioner. Till receipt of report of Court Commissioner, the parties would act upon order dated 17.04.2025 passed below Exhibit-5 in Special Civil Suit No.286 of 2024. The joint pursis is taken on record and marked as 'X' for identification.*

2. Further the liberty was given to the petitioner to file an application for appointment of Court Commissioner and Trial Court was expected to pass necessary orders on the basis of joint pursis directing appointment of Court Commissioner.

3. Now, Mr. S. M. Kamble, learned Advocate for the contempt petitioner submits that the plaintiff/petitioner deposited the amount for appointment of Court Commissioner; however has not filed formal application. He would submit that for these reasons, the contempt proceeding is filed. *Prima facie*, no contempt is made out either way. Mr. Kamble submits that this Court has not prevented the defendant from filing such application since the parties had been at consensus before this Court for appointment of Court Commissioner and joint measurement. He submits that the

contempt petitioner shall file an application for Court Commissioner to the Trial Court on the basis of the joint pursis filed before this Court and the order passed by this Court in Writ Petition No.14366 of 2025.

4. Obviously the Trial Court would be bound by the directions issued by this Court in paragraph nos.4 and 5 of the order dated 04.03.2026. So far as the present contempt proceedings are concerned, no willful contempt is made out. The petition stands dismissed.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026