



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

WRIT PETITION NO. 3797 OF 2026

MANOJ HAMBIRAO ANDHARE AND ORS
VERSUS
THE COLLECTOR DHARASHIV AND ORS

...
Mr. Abhijit S. More, Advocate for the Petitioners.
Mr. S. R. Yadav-Lonikar, AGP for Respondents-State.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 15th APRIL, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 20.12.2025 passed below Exhibit-108 by Civil Judge Senior Division, Paranda, District Osmanabad, whereby petitioners' application for appointment of Court Commissioner to measure suit land has been rejected.

2. Mr. Abhijit More, learned Advocate appearing for petitioners submits that although there is previous measurement map on record at Exhibit-96, it does not show encroachment made by particular person on particular area. In absence of necessary particulars and fixation of boundaries, dispute between parties cannot be resolved and, therefore, petitioners/plaintiffs had sought appointment of Court Commissioner, but Trial Court erroneously rejected the same.

3. Perusal of impugned order shows that evidence of Land Record Officer is at Exhibit-95 in suit. None of the parties objected

to correctness of measurement and, therefore, re-measurement through appointment of Court Commissioner would not be necessary.

4. According to Mr. More, if pleadings and prayers in suit are considered, there is dispute as to boundaries. The measurement map on record may not be determinative on disputed issue. However, aforesaid contention cannot be countenanced at this stage.

5. Needless to state here that, if Trial Court finds fault with measurement map already on record and holds it bereft to finally adjudicate *lis* between parties, petitioners shall be at liberty to raise issue before appropriate Court at appropriate stage.

6. In that view of matter, keeping all points open, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE