

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16006 OF 2022

Megha Rajkumar Sutar and Anr.

.. Petitioners

Versus

Namdeo Shripat Chaugule and Ors.

.. Respondents

-
- Mr. Pravin Gole i./by Mr. Pradeep M. Patil for Petitioners
 - None for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 03, 2023

P.C.:

- 1.** Heard Mr. Gole, learned Advocate for Petitioners.
- 2.** Perused the impugned order dated 20.07.2022.
- 3.** Record indicates that the suit has been filed by the Petitioners (Plaintiffs) for injunction and appointment of Court Commissioner on the ground that the properties of the Petitioners and Respondents are adjoining to each other and due to certain mistake that had occurred in preparation of map by the TILR office, Mangaon which was later on rectified, the Petitioners moved an Application below Exhibit-35 praying for appointment of Court Commissioner to fix the boundaries of the two properties. Admittedly dispute is not in respect to ownership of the said properties. If the parties are aggrieved only by the issue of fixation of boundaries then, an alternate efficacious appropriate remedy is available to them under Section 85 of the

Maharashtra Land Revenue Code, 1966. However, considering the principal relief in suit filed by the Plaintiffs, the present controversy needs to be resolved.

- 4.** Issue notice to the Respondents. Humdast permitted.
- 5.** In addition to Court's notice, Petitioners are directed to serve the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.
- 6.** After receiving the notice, Respondents to file affidavit-in-reply within one week. Rejoinder if any shall be filed within one week thereafter.
- 7.** Stand over to **31st January, 2023**.

[MILIND N. JADHAV, J.]