



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 14555 OF 2025

SUBHADRABAI RATAN MOKALE
VERSUS
TARABAI MANIK BACHAKE AND OTHERS

...
Advocate for the Petitioner : Mr. Mukul Kulkarni h/f. Mr. A.S. Kulkarni
...

CORAM : ARUN R. PEDNEKER, J.

Dated : December 04, 2025

PER COURT :-

1. The learned counsel for the petitioner submits that court commissioner's report is of 2011 and on the basis of that report, the application of the respondent was allowed and decree was modified including plot No. 35 in place of plot No. 4. The learned counsel submits that the Court Commissioner's report of the year 2011 ought not have been taken in to consideration and fresh Court Commissioner ought to have been appointed to identify the property and to demarcate the property. The learned counsel submits that plot No. 4 and plot No. 35 are the distinct properties and that fresh Court Commissioner is required for the purpose of making partition and feasibility of partition in terms of Order 26 Rule 13 of CPC.

2. Issue notice to the respondents, returnable on 18.12.2025. Hamdast permitted. In addition, the petitioner is permitted to serve the respondents by all private modes i.e. E-mail, RPAD etc. and file service affidavit to that effect before the next date of hearing.

3. Until the next date, no possession warrant be issued in respect of plot No. 35.

4. The matter will be taken up for further consideration/vacation of interim relief on the next date.

(ARUN R. PEDNEKER, J.)

ssc/