

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

WRIT PETITION NO. 11901 OF 2014

Shivaji Namdeo Bhosale
(Dhegumengu).
Age 71 years, Occu. Agri.,
R/o Washi, Taluka Washi,
District Osmanabad

...Petitioner

versus

Avinash Ashok Parbhane,
Age 25 years, Occu. Agri.,
R/o Washi, Taluka Washi,
District Osmanabad and anr.

...Respondents

.....
Mr. S.R. Choukidar, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 24th NOVEMBER, 2015

ORAL ORDER :

In a suit for injunction bearing R.C.S. No.154/2011, the plaintiff claiming to be holding of right of residential *Kabala* moved an application Exh.52 under Order XXVI, Rule 9 of the Code of Civil Procedure for appointment of Court Commissioner, for fixation of boundaries, which is rejected by Joint Civil Judge, Juniod Division, Washi on 26th February 2014.

2. Mr Choukidar, learned Counsel for the petitioner would urge

that having regard to the nature of claim in the suit, appointment of Court Commissioner was necessary.

3. Having perused the prayer made in the application Exh.52 for appointment of Court Commissioner, the petitioner is seeking fixation of boundaries with the aid of Court Commissioner, which in any case in my opinion does not cover under the provisions of Order XXVI, Rule 9 of the Code of Civil Procedure.

4. In view thereof, no case for interference is made out. As such, petition fails, stands dismissed.

[N.W. SAMBRE, J.]