

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11087 OF 2015

LOTAN DAGA BHAMRE
VERSUS
BHATU DAGA BHAMRE AND ANOTHERS

Advocate for Petitioner : Choudhari N. L.

CORAM : N.W.SAMBRE,J.
DATED : 16TH DECEMBER,2015

PER COURT :-

The respondents filed Suit for declaration and injunction bearing Regular Civil Suit No.62/13 in which application Exh.36 for appointment of Court Commissioner under Order 26 Rule 9 of CPC came to be moved at the stage of deciding the application under Order 39 Rule 1 at Exh.5. The said application Exh.36 came to be rejected by the Court below vide order dated 23rd April, 2015, as such present Petition.

2] The counsel for the petitioner would urge that the rejection is improper as the appointment of Court Commissioner was necessary for ascertaining the possession. In my opinion, the reason for which the application is rejected, is germane to the cause as the Court Commissioner cannot be appointed so as to verify the possession of the party. No case for interference is made out. Petition fails and dismissed.

(N.W.SAMBRE,J.)

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