

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9880 OF 2013

Tanaji Bapu Khandagale : Petitioner.
Versus
Sampat Nana Lahigade and ors. : Respondents.

Mr. Sandeep S Salunkhe for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 15th January 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 3/7/2013 passed by the IInd Joint Civil Judge, Junior division, Islampur by which order the Application (Exhibit 26) for appointment of the Court Commissioner came to be rejected. The Trial Court has observed that the Petitioner/original Plaintiff can get his land measured from the Government Surveyor and that appointment of Court Commissioner would amount to collection of evidence through the medium of the Court. The Trial Court has further observed that the Plaintiff has not placed any material to show that he was obstructed from getting the land measured independently.

2 In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to follow the course of action as propounded

by the Trial Court in the impugned order and contingent upon the fact as to whether he is able to get his land measured privately, that the Petitioner is granted liberty to renew his application for appointment of Court Commissioner.

[R.M.SAVANT, J]