

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4175 OF 2015

Sageer Ahmad Muneer Ahmad & Ors. .. Petitioners
VS.
Mohd. Anas Mohd. Yaqoob Ansari & Ors. .. Respondents

Mr. Sachin Chandan for Petitioners.

CORAM : M. S. SONAK, J.
DATE: 24 APRIL 2015

P.C. :-

1] This petition challenges order dated 15 December 2014 made by the 4th Joint Civil Judge, Junior Division, Bhiwandi, declining to appoint Court Commissioner at the instance of the petitioners - plaintiffs.

2] The impugned order notes that the dispute in the suit is between landlord and tenant. The suit is seeking relief, *inter alia* to permit repairs to the suit structure. In the matters of this nature there is no necessity to appoint Court Commissioner. It is always open to the petitioners – plaintiffs to examine an expert in support of their case. The purpose of appointment of the Court Commissioner is not to collect evidence for either parties.

3] There is accordingly, no jurisdictional error or perversity of approach in the making of the impugned order. This petition is accordingly dismissed. There shall be no order as to costs.