

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

WRIT PETITION NO. 1856 OF 2015

Appa Chudappa Desai & Anr.	...Petitioners
vs.	
Shamrao Babu Desai	...Respondent

Ms. Lata Patne i/b. Vinod Joshi for the Petitioners.

CORAM : R. M. SAVANT, J.

DATE : 23RD FEBRUARY, 2015.

PC. :-

The order dated 14th November, 2014 passed by the learned Joint Civil Judge, Junior Division, Gadhinglaj, rejecting the application Exhibit 124 for appointment of the Court Commissioner filed by the Defendant is taken exception to by way of the above Petition. The rejection of the said application is on the ground that the Court Commissioner's report is already on record vide Exhibit 75. The Court Commissioner on the said occasion was appointed as both the Plaintiff and the Defendant filed applications. The instant application Exhibit 124 filed by the Defendant was founded on the fact that certain admissions have come in the evidence of the Court Commissioner. The Trial Court has rejected the said contention on the ground that the leading of evidence cannot be an endless process.

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 Writ Petition is accordingly dismissed. No costs.

(R. M. SAVANT, J.)

wadhwa