

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3498 OF 2015

Dilip V. Sonamale and anr. .. Petitioners
vs.
Mahadev D. Sonamale and anr. .. Respondents

Mr. V.R. Gaikwad for the Petitioners.

CORAM : M. S. SONAK, J.
DATE : 7 April, 2015.

P.C. :-

1] There is no jurisdictional error in the impugned order which rejects the petitioners' application for appointment of the Commissioner.

2] The impugned order correctly records that the purpose for appointment of the Commissioner is not to collect evidence for any parties to the suit. The rejection of such application, however, shall obviously not come in the way of the petitioners appointing their own expert witness-surveyor and examining him in the course of trial of the suit.

3] Suffice to note that there is no jurisdictional error in making the impugned order for appointment of the Commissioner in the facts and circumstances of the present case.

4] This petition is, accordingly, dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)