

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

WRIT PETITION NO. 5068 OF 2014

Shri. Rajaram Sabaji Bagal and another	.. Petitioners
Versus	
Sau. Shalini Tanaji Solat and others	.. Respondents

Mr. U. B. Nighot, Advocate for the Petitioners.

**CORAM : R.M. SAVANT, J.
DATE : 08th JANUARY, 2015**

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 04.03.2014 passed by the learned Civil Judge Junior Division, Ghodegaon, Pune by which order the application Exh.54 filed by the Petitioners/original Plaintiffs for appointment of the District Inspector of Land Records as Court Commissioner came to be rejected. It is required to be noted that pursuant to the application Exh.42 filed by the Petitioners themselves, work of commission was assigned to TILR, Ambegaon by order dated 14.09.2012 who has accordingly submitted his report. It is thereafter that the instant application has been filed seeking the appointment of higher officer i.e. DILR as Court Commissioner. The Trial Court having regard to the fact that the TILR has already submitted his report and that the suit being at the stage where the witness of the

Plaintiffs has to be cross-examined held that the Court Commissioner could not be appointed as is sought by the Plaintiffs. The Trial Court has also observed that the appointment of the Court Commissioner would result in collection of evidence through the medium of the Court. It seems that the Petitioners are aggrieved by the report of the TILR which has been submitted pursuant to his appointment by the order dated 14.09.2012. If that be so, the Petitioners would be at liberty to raise such contentions as are available to them in respect of the said report and also lead evidence in assertion of their case, but cannot again seek the reappointment of the Court Commissioner. With the aforesaid observations, the Writ Petition is disposed of.

[R.M. SAVANT, J]