

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

**WRIT PETITION (STAMP) NO.21456 OF 2015**

**Shri. Hanmant Shankar Bodke**

**.. Petitioner**

**Versus**

**Smt. Kondabai Sopan Bodke and others**

**.. Respondents**

**Mr. R. P. Kadam, for the Petitioner.**

**CORAM : R.M. SAVANT, J.**

**DATE : 07<sup>th</sup> SEPTEMBER, 2015**

**PC.**

The order dated 26.06.2015 passed by the In charge 7<sup>th</sup> Joint Civil Judge Junior Division, Satara, rejecting the application for appointment of the Court Commissioner is taken exception to by way of the above Petition. The said application is rejected on the ground that the suit being for simplicitor injunction, the Court Commissioner could not be appointed. The Trial Court has also adverted to the fact that the Plaintiff seeks the appointment of the Court Commissioner to measure the suit property by taking recourse to Order XXVI Rule 9 of the CPC. In my view, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

**[R.M. SAVANT, J]**

“Certified to be true and correct copy of the original signed order.”