

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

WRIT PETITION STAMP NO.25224 OF 2014

Abdul Sattar Erbrahim Menon & Anr. : Petitioners
versus
Anandabai Murlidhar Masal : Respondent.

Mr. M A Choudhary for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 02nd March 2015

P.C.

1 The order dated 14/08/2014 passed by the learned 4th Additional Judge, Small Causes & Civil Court Senior Division, Pune allowing the Application filed by the Plaintiff under Order 26 Rule 9 of the Code of civil Procedure for appointment of the Court Commissioner is taken exception to by way of the above Petition.

2 Having regard to the dispute involved in the suit in question being Special Civil Suit No.1785 of 2008 i.e. the relief sought by the Plaintiff of removal of the boundary wall, tin shed and water tank erected by the Defendants allegedly in the suit property, and also having regard to the reasons mentioned by the Trial Court in the impugned order for appointment of the Court Commissioner, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]