

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2271 OF 2015

(SHARAD SHIVAJI CHAMADE..VS..MUKUND MAHADEO PADADE)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr.Piyush Pendke, Advocate for Petitioner.

CORAM : R.K.DESHPANDE, J.

DATED : APRIL 28, 2015.

The order passed by the trial Court appointing Court Commissioner is interlocutory in nature and does not call for any interference at this stage.

The learned counsel submits that the plaintiff cannot rely upon the report of the Commissioner for the reason that he has filed suit on the basis of measurement which was already carried out. Such inconsistency can be pointed out to the trial Court at the time of final hearing of the matter. The petitioner is at liberty to also cross-examine the Court Commissioner in accordance with law. All these questions can be dealt with by the trial Court while deciding the matter. The questions are left open to be agitated in the appeal if any such occasion arises.

The writ petition is **dismissed**. No costs.

JUDGE