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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3988 OF 2016

Shivling Irba Dange and Others

PETITIONERS

VERSUS

Shantrappa Gangadharappa Mathedevru

RESPONDENT

.....

Mr. Santosh S. Jadhavar, Advocate for the petitioners

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 6th APRIL, 2016

ORDER :

1. Heard learned advocate for the petitioners.
2. Mr. Santosh S. Jadhavar, learned advocate for the petitioners strenuously urges the court to indulge into his request to have appointment of court commissioner.
3. Perusal of the impugned order shows that the suit has been instituted primarily for perpetual injunction and declaration of ownership.
4. It is being contended that temporary injunction is granted in favour of the plaintiff-petitioners. It is submitted that in order to bring more clarity and to ascertain that the plaintiff-

petitioners are in possession over 3 *Aar* land from gut No.879 situated at Jalkot, District-Latur, whereon the plaintiffs have constructed farm house and is also used for tethering cattle and a water tank is situated there, the court commissioner's appointment would be necessary.

5. Having regard to that the suit is simplicitor for injunction and declaration of ownership, these aspects which are being contended, would be a matter to be brought on record by way of evidence. For such purpose, appointment of court commissioner may not be necessary and considering so the trial court appears to have rejected the application. No fault can be found with the impugned order.

6. Writ petition, as such, stands rejected.

[SUNIL P. DESHMUKH, J.]