

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1195 OF 2016

Meerabai Subhash Gaikwad
Through Power of Attorney
Subhash Baburao Gaikwad .. Petitioner

Versus

Vishwanath Ramchandra Gaikwad
and another .. Respondents

Shri Sanket S. Kulkarni, Advocate for the Petitioner.
Shri P. B. Shirsath, Advocate for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 22ND MARCH, 2016.**

PER COURT :

. The application for appointment of T.I.L.R. as Court Commissioner is rejected. Mr. Kulkarni, the learned counsel for the petitioner states that, the suit is basically for fixation of boundaries, as the boundaries are disputed. It is only the T.I.L.R. who would be in a proper position to assist the Court.

2. According to Mr. Shirsath, the learned counsel for respondents the main prayer itself has been sought to be achieved by way of application for appointment of T. I. L. R. as Court Commissioner. According to the learned counsel the Court

has rightly passed the order.

3. I have considered the submissions canvassed by the learned counsel for respective parties.

4. No doubt, if the dispute is with regard to identity of property or boundaries the Court can take assistance of an expert such as T.I.L.R., etc. However, it has been pointed out that, the matter is not yet ripe for trial. The plaintiff has not adduced her evidence.

5. Considering the above, the Court certainly could not have allowed the application for appointment of T.I.L.R. as Court Commissioner at this stage.

6. If, after the plaintiff has adduced her evidence, it is found that, the appointment of T.I.L.R. as Court Commissioner is imperative, then at that stage plaintiff may make an application for appointment of T.I.L.R. as Court Commissioner, which application would be considered by the Court on its own merits and in accordance with law. The writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]