

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

WRIT PETITION NO. 3985 OF 2016

Ravindra Raghunath Bhdhwant and Others ..PETITIONERS

VERSUS

Rohini Bhausahab Ukirde ..RESPONDENT

....

Mr. N.B. Narwade, Advocate for petitioners.

Mr. N.B. Patekar, Advocate for respondent.

....

CORAM : T.V. NALAWADE, J.

DATED : 27th OCTOBER, 2016

ORDER :

1. The petition is filed to challenge the order made by Civil Judge, Junior Division, Shevgaon on Exhibit 19 in Regular Civil Suit No. 85 of 2016. Both sides are heard.

2. Application was filed by the plaintiff for appointment of one advocate as Court Commissioner. There is dispute over the boundaries. It is the case of plaintiff that new boardwell taken by her is within her land and it is the case of the defendant that the said portion of land belongs to him. In view of nature of dispute, in ordinary course, the Court ought to have appointed T.I.L.R. as Court Commissioner but it appears that one

advocate is appointed. In view of nature of dispute, this Court holds that report which is prepared by Advocate cannot be read as it will be collecting evidence by plaintiff on factual aspects. Only boundaries needs to be ascertained when there is dispute of present nature. There is liberty to present respondent – original plaintiff to apply for appointment of T.I.L.R. as Court Commissioner and that report can help the Court for deciding the dispute. With these observations, the petition is disposed of. Stay is vacated.

(T.V. NALAWADE, J.)

SSD