

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

917 WRIT PETITION NO. 7065 OF 2014

YEDUBA YESUBA KATKAR
VERSUS
MANSAB NAMDEO SISODE

...
Advocate for Petitioner : Joshi Rahul G.
Advocate for Respondent : N.K. Choudhari
...

CORAM : T.V. NALAWADE, J.
DATED : 14th October, 2016.

ORDER :

1. The petition is filed to challenge the order made on Exh. 13 in R.C.A. No. 17/2012, presently pending in the Court of Principal District Judge, Aurangabad. Heard both the sides.

2. The application was filed by appellant, plaintiff for appointment of T.I.L.R. as the Court Commissioner for taking measurement of his land and adjacent lands. The suit was filed for removal of encroachment and possession. The Trial Court had disbelieved the surveyor and due to that the plaintiff applied for fresh measurement. This Court has gone through the reasoning given by the Trial Court and it can be said that for getting the final decision of the matter, it was desirable to appoint Court Commissioner. This Court sees no reason to interfere in the order made by the Appellate Court. There will be opportunity to the

respondent, defendant to cross examine the surveyor when he is examined in the appellate Court for proving the map which he will prepare of the measurement. Thus, no prejudice will be caused to the defendant.

3. With the aforesaid observations, the petition is disposed of.

[T.V. NALAWADE, J.]

SSC/