

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

WRIT PETITION NO. 11069 OF 2016

Rahul Uttamrao Chavan

.. Petitioner

Versus

Anusayabai Laxmand Bodke and others .. Respondents

Shri U. B. Bilolikar, Advocates for the Petitioner.

Shri V. P. Latange, Advocate for the Respondent No. 3.

CORAM : S. V. GANGAPURWALA, J.

DATE : 06TH DECEMBER, 2016.

PER COURT :

. Mr. Bilolikar, the learned counsel for the petitioner submits that, the dispute is with regard to boundaries of the suit properties. The application was given seeking measurement of the suit property by T. I. L. R. The said application is rejected.

2. The learned counsel submits that, whenever there is dispute with regard to boundaries of suit property, the assistance of an expert is necessary. Same would assist the Court in arriving at a just conclusion. According to the learned counsel, if the measurement is done by the T. I. L. R., then the real facts would come on record. The said aspect has not been considered.

3. The petitioner appears to be the original plaintiff. The plaintiff has not yet led his evidence. It would be premature at this stage to appoint the Court Commissioner. The plaintiff may adduce the evidence and subsequently, if it is found that the assistance of Court Commissioner is necessary to measure the property, the parties can make an application at that stage. Even the Trial Court has observed the same.

4. In the light of the above, the writ petition is disposed of with aforesaid observations. No costs.

[S. V. GANGAPURWALA, J.]