

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

WRIT PETITION NO. 10440 OF 2015

Raviraj s/o Bharat Vakure

.. PETITIONER

VERSUS

Ankush s/o Tulshiram Sude
& another

.. RESPONDENTS

Mr. B.N. Patil, advocate for petitioner.

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CORAM : R.M. BORDE, J.

DATE : 19th JANUARY, 2016.

PER COURT :

1. Petitioner - original plaintiff is objecting to the order passed by the trial Court rejecting the application seeking appointment of Court Commissioner for conducting measurement of the suit property.
2. The learned trial Judge has observed in the order that since the matter is posted for evidence, at that point of time, it is not necessary to make appointment of the Court Commissioner.
3. Petitioner shall have to adduce evidence in support of his grievance in respect of commission of encroachment at the instance of defendants. After leading evidence, if plaintiff satisfies the Court as regards his claim and, tenders an application, it would be appropriate for the trial Court to consider such application in the light of the evidence of plaintiff and pass

appropriate order. With liberty as aforesaid, writ petition stands disposed of.

(R. M. BORDE)
JUDGE

dyb