

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

WRIT PETITION NO. 288 OF 2016

Mahalabai W/o Tukaram Vanjare
and another .. Petitioners

Versus

Ratanlal S/o Bhikulal Jaiswal .. Respondent

Shri Shashikant S. Londhe, Advocate for Petitioners.
Shri T. S. Gavane, Advocate for the Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 22ND MARCH, 2016.

PER COURT :

. The application for appointment of Court Commissioner is rejected. The learned counsel for petitioners states that, the petitioners have applied for appointment of T. I. L. R. as Court Commissioner. The suit is for recovery of possession. The dispute is with regard to boundaries, as such, it is necessary to appoint an expert as Court Commissioner.

2. The learned counsel for the respondent submits that, there is no dispute with regard to the boundaries. The suit is for possession. The Court has rightly passed the order.

3. In cases of disputes with regard to boundaries, identity of

the suit property, etc. assistance of an expert is normally relevant. However, the plaintiffs have not yet adduced the evidence. After the plaintiffs adduce the evidence and at that stage if it is found that the appointment of the T. I. L. R. as Court Commissioner is imperative, then at that time the plaintiffs may apply for appointment of an expert that is T. I. L. R. as Court Commissioner, which application shall be considered by the Trial Court on its own merits. The writ petition accordingly is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/March 16