

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

932 WRIT PETITION NO. 11591 OF 2016

NANDKUMAR SHANKARRAO RASNE
VERSUS
DHARMAVIR GOVIND MADAN DIED LRS VIDYAWATI
DHARMAVIR MADAN AND OTHERS

Shri. V.P. Latange, Advocate, for petitioner.

CORAM: T.V. NALAWADE, J.

DATE : 23 NOVEMBER 2016

ORDER:

1) The proceeding is filed to challenge the order made by the executing Court of appointment of Court Commissioner for partitioning the house property. The grievance of the present petitioner is that one Advocate is appointed instead of appointing some expert like Surveyor. This submission is not at all acceptable as it is house property and there is no bar in appointing Advocate as a Court Commissioner for effecting partition of house property. As per the procedure, Advocate will first prepare proposal showing in hand sketch map the portion which may be allotted to the co-sharers and that proposal will

come before the Court and there will be hearing on this proposal to both the sides and only after that the executing Court will be in a position to make some order. Thus, the present proceeding is premature. It is dismissed. Liberty is there to the petitioner to come to this Court if there is any specific order made by the executing Court.

Sd/-
(T.V. NALAWADE, J.)

rsl