

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 2655 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sachin Gite for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 09/06/2016**

PC.:

. Heard learned Counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India the Petitioner Defendant Nos. 1 to 19 challenges the order dated 01.10.2014 passed by 5th Joint Civil Judge, Senior Division, Nashik below Exh.50 in Special Civil Suit No. 603 of 2011 declined to appoint Court Commissioner to find out how much area is in possession of the respondent original plaintiff from C.T.S. No. 989/2.

3 It is to be noted that in the present proceeding, the Respondent Plaintiff filed Special Civil Suit No. 603 of 2011 for partition and separate possession of the HUF property and for other reliefs. Unless and until, suit is decided on its own merits, it

cannot be determined which portion the petitioner and/or respondents is going to get in execution. Hence, I do not find any reason to entertain the present petition for setting aside the order passed by the Trial Court dated 01.10.2014.

4 Writ Petition stands dismissed. No order as to costs.

(K.K.TATED, J.)