

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO. 5784 OF 2015***

Mr.Atikur Rahman Ashikali Chaudhary & ors. ... Petitioners

v/s

Bhaguji Namdeo Hingane & ors. ... Respondents

Mr.S.K.dubey for the petitioners.

None present for the respondents.

***Coram: N.M. Jamdar, J.***

***Dated: 23 September 2016***

***ORAL ORDER:***

By the impugned order, the learned Civil Judge, Senior Division, Pune, has directed the Taluka Inspector of Land Record, Pimpri, to act as a Court Commissioner, for measurement of the suit land.

2 In the suit filed by the Respondents/Plaintiffs have sought a prayer for removal of the alleged encroachment. The learned Civil Judge has exercised his discretion following the various decisions of this Court on this point. Since the matter appears to be of boundary dispute, it is appropriate to appoint a local investigation. If such a report is placed on record, it is open to the Petitioners to take

objections, if required. Both parties can remain present at the time of the measurement.

3 In the circumstances, the discretion used by the learned Civil Judge, being in consonance with the law laid down by this Court, no interference is warranted in the impugned order. Keeping all contentions of the parties open as regard the merits of the suit, the writ petition is rejected.

*(N. M. Jamdar, J.)*