

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

WRIT PETITION NO. 3460 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.S.A. Joshi for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 11/08/2016**

PC.:

. Heard learned Counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India the Petitioner Defendant No.3 challenges the order dated 02.12.2014 passed by Joint Civil Judge, Junior Division, Mangalwedha District Solapur below Exh. 30 in Regular Civil Suit No. 87 of 2013 rejecting defendant No.3's application for appointment of Court Commissioner to submit the report about the position of land bearing Gat No. 219 etc.

3 It is to be noted that the respondent plaintiff filed Regular Civil Suit No. 87 of 2013 by an order of injunction restraining defendants from disturbing his possession in respect of suit property i.e. Gat No. 219 admeasuring 2H 14 R at Lavangi, Taluka Mangalwedha District Solapur.

4 In that suit the Defendant No.3 filed application below Exh.30 for appointment of Court Commissioner to do following work:

a) Present position of land bearing Gat No. 219.

b) To inspect the residential premises of Defendant No.3 as well as cattle shed in the suit premises.

c) Position of bore well and electricity connection along with 3HP electric motor.

d) Distance between bore well and pipe line.

5 Bare reading of application filed by Defendant No.3 below Exh.30 shows that defendant No.3 wants to bring the evidence in his support on record through the Court Commissioner and that cannot be permitted.

6 Considering this fact, I do not find any reason to entertain the Writ Petition challenging the well reasoned order dated 02.12.2014 passed by the Joint Civil Judge, Junior Division, Mangalvedha below Exh. 30 in Regular Civil Suit No. 87 of 2013.

7 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)