

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

WRIT PETITION NO.3651 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.Drupad S. Patil for the petitioner

Mr.Chinmay Athalye i/b Mr.Sushant S. Prabhune
for the respondent

CORAM : K. K. TATED, J.

DATE : JULY 4, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 20.12.2014 passed by Joint Civil Judge, Junior Division, Baramati below Exhibit-16 in Regular Civil Suit No.254 of 2014 rejecting defendant's application for appointment of Court Commissioner.

3 At the time of deciding the said application, Trial Court observed that the Suit filed by the plaintiff was for partition and separate possession. It was the case of the plaintiff that partition took

place and they are in possession of the respective shares. Considering these facts, Trial Court held that it is not possible for Commissioner to decide which portion of the property is in possession of the respective co-sharers.

4 Considering the order passed by Trial Court dated 20.12.2014, I do not find any substance in the present Writ Petition.

5 Writ Petition stands dismissed.

6 Liberty granted to the petitioner to move for same cause of action at appropriate stage if the issue is involved about the description of the suit property.

JUDGE