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

WRIT PETITION NO. 6361 OF 2016

Mr. Shivling Dnyanoba Budhavale & Ors. ... Petitioners.

V/s.

Mr. Vitthal Kisan Budhavale. ... Respondent.

Mr. Shailesh Chavan i/b. Milind Deshmukh for the Petitioners.
None for the Respondent.

CORAM : N.M. Jamdar, J.

14 September, 2016.

Oral Order :-

Not on board. Taken on production board by way of praecipe.

2. The Petitioner challenges the order passed by the Civil Judge, Senior Division, Malshiras below Exhibit 24 in Regular Civil Suit No. 604 of 2008. By the impugned order the learned Civil Judge has appointed the Taluka Inspector of Land Records (TILR) as a Court Commissioner.

3. The Respondent – Plaintiff has filed the suit for removal of encroachment. The dispute between the parties is of such nature that measurement of land is of importance. This Court has laid down in various decisions that while resolving the dispute as regard encroachment and boundaries, it is advisable to appoint a Court Commissioner to carry out measurement. The discretion is used by the learned Civil Judge in appointing the TILR as a Court Commissioner therefore cannot be faulted with. The Writ Petition is accordingly rejected.

(N.M. Jamdar, J.)