

JPP

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

WRIT PETITION NO. 9845 OF 2014

Mr. Deven Dhondi Dholam.

... Petitioner.

V/s.

Mr. Rajendra Devidas Khandalekar and Ors. ... Respondents.

Ms. Pooja Badekar i/b. Madhav Jamdar for the Petitioner.

None for the Respondents.

CORAM : N.M. Jamdar, J.

25 August, 2016.

Oral Order :-

The Petitioner challenges the order passed by the learned Civil Judge, Junior Division, Malvan, appointing a Court Commissioner.

2. Heard the learned Counsel for the Petitioner. The learned Civil Judge has found that the position of the disputed road needs to be brought on record, without which effective decree cannot be passed. The learned Civil Judge, considering in the nature of the litigation that is presented before him for consideration, has

found that it is necessary to appoint a Court Commissioner. The learned Civil Judge, is within his jurisdiction to do so. Merely because the another view is possible that the Commissioner need not be appointed, interference under Article 227 of the Constitution is not warranted. The order is passed two years back and the commissioner's report was made returnable in May 2014. Thereafter, the Petition has come up in regular course.

3. In the circumstances, no interference is warranted. The Writ Petition is accordingly rejected.

(N.M. Jamdar, J.)