

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER St. NO.14908 OF 2016  
WITH  
CIVIL APPLICATION St. NO.14909 OF 2016  
IN  
APPEAL FROM ORDER St. NO.14908 OF 2016**

**Deepak Radha Raman Mandal**

**.. Appellant**

**Versus**

**The Assistant Commissioner BMC**

**.. Respondent**

**Mr. Ranjit Agaste i/b Mr. A. R. Karuwath for the Appellant / Applicant  
Mrs. M. R. Bhoir for the Respondent**

**CORAM : R. M. SAVANT, J.  
DATE : 10<sup>th</sup> JUNE, 2016**

**P.C.**

1           The order dated 20-5-2016 rejecting the application for appointment of the Court Commissioner which is one of the reliefs sought in the Notice of Motion No.1182 of 2016, is taken exception to by way of the above Appeal From Order. Since the appointment of the Court Commissioner is referable to Order 26 Rule 9 of the Civil Procedure Code, the challenge to an order passed rejecting the application for appointment of the Court Commissioner cannot be by way of an Appeal From Order. The Appeal From Order is accordingly dismissed as not maintainable. It would be open for the Appellant to file appropriate proceedings challenging the said order dated 20-5-2016.

2           Needless to state that the contentions on merits have not been considered by this Court.

3           In view of the dismissal of the above Appeal From Order, the Civil Application St. No.14909 of 2016 does not survive and to stand disposed of as such.

**[R.M.SAVANT, J]**