

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

WRIT PETITION NO. 7844 OF 2016

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. Surel Shah for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 08/07/2016**

PC.:

. Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 By this petition under Article 227 of the Constitution of India, the petitioner original defendant challenges the order dated 12.01.2016 passed by the Joint Civil Judge, Junior Division, Solapur below Exh. 48 in Regular Civil Suit No. 665 of 2015 allowing the respondent's/plaintiff's application under Order 26 Rule 9 of Code of Civil Procedure, 1908 to appoint the Court Commissioner to find out the encroachment of suit property.

3 In the present proceeding, the respondent plaintiff filed the suit for removal of encroachment. It is to be noted that to know the exact area of encroached property, it is necessary to take service of

expert person. Therefore, court below appointed Court Commissioner which is in the interest of both the parties.

4 Considering this fact, I do not find any reason to entertain the present Writ Petition to set aside the well reasoned order dated 12.01.2016.

5 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)