

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

WRIT PETITION NO. 7512 OF 2013

Shri Ajit Shantaram Umardand Petitioner

Versus

Mrs. Ujjwala Vitthalrao Mane & Anr. Respondents

Mohan Dhamal for petitioner.
None for Respondents.

***CORAM : N. M. Jamdar J.
Monday 24 October 2016***

P.C.

. The impugned order is dated 25 June 2013. By this order the Court Commissioner has been appointed to visit the property and bring on record the actual situation.

2. The learned Counsel for petitioner advanced various arguments as regards the necessity and propriety of appointing the Court Commissioner in the suit of present nature, however, it is pointed out that since there is no interim relief in this petition, the Court Commissioner has carried out the work and has submitted the report and parties have submitted their objections. Therefore, at

this stage I am not inclined to interfere with this discretionary order of the learned Civil Judge. It is made clear that merely because the Court Commissioner has submitted his report, it is not to be straightway accepted without giving an opportunity to the parties to make their submissions as regard the report. The report will have to be considered along with the other pieces of evidence led by the parties.

3. Keeping all the contentions of the parties open as regards merits of the suit as well as report of the Court Commissioner, the Writ Petition is disposed of.

(N. M. Jamdar, J.)