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

WRIT PETITION NO. 10366 OF 2016

Nilesh Chowdhary & Anr.

...Petitioners

vs

Bhalchandra S. Chowdhary

...Respondent

.....

Mr Sandesh Deshpande for the Petitioners

None for the Respondent

.....

CORAM : N. M. JAMDAR J.

2 SEPTEMBER, 2016

P.C. :

Not on board. Taken on production board in view of the
praecipe filed by the Petitioner.

2 The Petitioner challenges the order passed by the Civil Judge, Junior Division, Bhiwandi dated 3 August, 2016 for appointment of court commissioner to carry out the measurement of the land. Considering the dispute involved in the suit, the learned Civil Judge, Bhiwandi, has found it necessary to appoint the Court Commissioner to carry out the measurement of the said land. Learned Civil Judge, Bhiwandi, in determination of the controversy has found it necessary to issue a commission. Merely because the Court Commissioner is appointed, the substantive rights of the parties are

not affected and parties are entitled to address the Court on merits of report of the Court Commissioner. No interference is warranted. The Writ Petition is rejected. No order as to costs.

(N. M. JAMDAR J.)