

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

WRIT PETITION NO.10754 OF 2014

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.R.S.Alange for the petitioner

Mr.M.V.Thorat for the respondent

CORAM : K. K. TATED, J.

DATE : JULY 4, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 17.9.2014 passed by Joint Civil Judge, Junior Division Mohol below Exhibit-16 in Regular Civil Suit No.202 of 2013 rejecting defendant's application under Order 26 Rule 9 of the Code of Civil Procedure, 1908 for appointment of Court Commissioner.

3 In the present proceeding respondent plaintiff filed Regular Civil Suit No.202 of 2013 in the court of Joint Civil Judge, Junior Division, Mohol for perpetual injunction restraining defendants from interfering with possession in

agricultural land 115/2 00.68 R situated at Khandali, Tal. Mahol. In that Suit, defendant filed application below Exhibit-16 for appointment of Court Commissioner to verify the defendant's possession and existence of their structure in the suit property. That application was dismissed by Trial Court on the ground that through Court Commissioner defendants want to bring evidence on record against the plaintiff.

4 Bare reading of application filed by defendant below Exhibit-16 shows that defendant wants to complete his pleading through the Court Commissioner and that is not permissible at all. Hence, I do not find any reason to interfere with the well reasoned order dated 17.9.2014 passed by Joint Civil Judge, Junior Division, Mohol below Exhibit-16 in Regular Civil Suit No.202 of 2013.

5 Hence, Writ Petition stands rejected.

JUDGE