

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

WRIT PETITION NO. 11022 OF 2015

Shri Nanasaheb Shankar Gaikwad,
R/at S.No.126/2B, Aundh, Pune. ... Petitioner

v/s

Shri kashinath Baburao gaikwad & ors. ... Respondents

Mr.Bhooshan Mandlik i/by S.S.Patwardhan for the petitioner.
None present for the respondents.

Coram: N.M. Jamdar, J.
Dated: 1 SEPTEMBER 2016

P.C.:

By the impugned order all that has been done by the learned Civil Judge is, appointment of the Court Commissioner. Considering the nature of the dispute which is regarding encroachment, it is a settled law that, in any dispute involving the encroachment, to resolve the controversy effectively Courts are empowered to appoint the Court Commissioner. The order challenged is purely interlocutory. No interference is warranted under Article 227 of the Constitution of India.

2 The writ petition is rejected.

(N. M. Jamdar, J.)