

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

WRIT PETITION NO. 922 OF 2016

M/s.Karveer Traders,
R/at 1864, C Ward, Laxmipuri, Kolhapur. ... Petitioner

v/s

Shri Sanjay Dadasaheb Khote
R/at Mansmruti Apt., 'B' Bldg.,
Flat No.2, Nr.Fedral Bank Ltd.,
Tata Chowk, Kolhapur; & ors. ... Respondents

Mr.Kashyap Bhalerao for the petitioner.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 3 October 2016

ORAL ORDER:

The Petitioner is aggrieved by the rejection of the application for appointment of the Court Commissioner, by the learned Civil Judge, Senior Division, Kolhapur, by an order dated 5 October 2015.

2 Learned counsel for the Petitioner submitted that an undertaking has been given by the Respondents that, in the newly constructed building the Petitioner will be given the constructed area

similar to the one which was in possession of the Petitioner. He submitted that the apprehension of the Petitioner is that the Respondent may not carry out construction pursuant to this undertaking. The learned Civil Judge has examined the permission granted by the Municipal Corporation and the sanctioned lay out and the learned Civil Judge has found that, in the proposed building, the area to be given to the Petitioner is demarcated and, therefore, there need not be any apprehension for the Petitioner. The Respondents are bound by their undertaking. They will have to carry out the construction in such a manner so that they will honour the undertaking. Since the undertaking is still in existence, no interference in the impugned order is warranted.

3 The writ petition is rejected.

(N. M. Jamdar, J.)