

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13450 OF 2017

PRATIBHA RAJENDRA JADHAV AND ANOTHER
VERSUS
BABURAO AMBADAS JADHAV AND OTHERS

...
Advocate for Petitioners : Mr. Kolse Patil Madhukar G.

.....

CORAM : V. K. JADHAV, J.
DATED : 20th NOVEMBER, 2017

PER COURT:-

1. Heard.

2. I find no substance in this writ petition. The petitioners-original plaintiffs have filed an application Exh.14 for appointment of Court Commissioner. The petitioners have instituted the suit for recovery of possession of 40 R of land and also for partition and separate possession of remaining land from said Gat number to the extent of 1 Hectare 93 R. The petitioners claimed in the suit that the said land admeasuring 40 R is received by them under the registered gift deed. By way of application Exh.14, the petitioners want to inspect the said land admeasuring 40 R through the Court Commissioner to determine as to how much land out of 40 R is in possession of the petitioners-plaintiffs and respondents-defendants and whether the respondents have made encroachment over the said portion of the

land.

3. Learned Judge of the trial court has rightly observed in the order that the petitioners have claimed recovery of possession of the said 40 R land on the basis of registered gift deed and in order to substantiate their case, the petitioners can adduce oral and documentary evidence. The trial court has further observed that such an application, seeking appointment of Court Commissioner, is unwanted and uncalled for. I find no fault in the impugned order. There is no reason to appoint the Court commissioner for collection of such evidence. There is no merit in the writ petition. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

rlj/