

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2202 OF 2017

Gram Panchayat Wasumbe

... Petitioner

Vs.

Vikas Maruti Gurav & Ors.

... Respondents

Mr. Nagesh Y. Chavan, Advocate for the petitioner.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **4th April, 2017.**

P.C.:

This Application was not on board but taken on board on the ground of urgency, as the matter is fixed before the trial Court for recording of evidence tomorrow. It is contended that the petitioner/defendant has moved an application for appointment of Court Commissioner for local inspection and the said application was rejected by the learned 3rd Joint Civil Judge Junior Division, Sangli by order dated 22nd September, 2016 which is challenged in this Petition.

2. The learned counsel for the petitioner submitted that the petitioner/defendant No. 1 submitted that it is necessary to put it on record that there are three wells on the said plot and this can be brought on record through the report of the Court Commissioner. He

further submitted that the issue is involved in respect of fetching water from the suit well by the petitioner/defendant and other villagers, therefore, Application for appointment of Court Commissioner ought to have been allowed.

3. Perused the impugned order. It is well reasoned order. The respondent nos. 1 and 2/plaintiffs have filed the suit for injunction. No interim injunction is granted by the trial Court in respect of fetching of water in the suit well against the petitioner/defendant. Moreover, the petitioner/defendant himself and through his witnesses can lead evidence and bring the fact on record about the existence of three wells. Under such circumstances, no need to interfere in the impugned order. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)