

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10428 OF 2016

Ashok R. Gharat & Anr.

..Petitioners

versus

Jamuna J. Thakare & Anr.

..Respondents

Mr. N. R. Bubna for Petitioners.

CORAM: M.S. SONAK, J.

DATE : 27 NOVEMBER 2017

P. C. :

1] Heard Mr. Bubna, learned counsel for the petitioners.

2] The challenge in this petition is to the order dated 17th May 2016, by which the learned trial Judge has appointed a Commissioner to carry out measurements in respect of the suit properties and make a report regards encroachment or construction by the defendants therein.

3] The reasoning in support of such appointment is basically contained in paragraph 8 of the impugned order. There is no perversity in the reasoning. Controversy in the suit relates to encroachment. After the Court Commissioner submits report, both the parties will have opportunity to file their objections, if any, to the Commissioner's report. Though, it is not clearly set out in the impugned order, this is implied. At any rate, it is clarified that both the parties will have right to file their objections to the Commissioner's report.

4] With the aforesaid observations, this petition is disposed of.

(M. S. SONAK, J.)