

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 42 OF 2017
IN
REVIEW PETITION NO. 31 OF 2017
IN
WRIT PETITION NO. 9845 OF 2014

Shri. Deven Dhondi Dholam	Applicant
V/s.	
Shri. Rajendra Devidas Khandalkar	
and Ors.	Respondents

* * * * *

Mr. Madhav Jamdar, Advocate for the Applicant, Review
Petitioner in RPW-31-2017.

None for the Respondents.

Coram :- N.M. Jamdar, J.

Date :- 5 May, 2017.

PC. :-

. This Civil Application is filed for condonation of delay
of 16 days in filing the review of the order passed on 25 August,
2016 disposing off the Writ Petition.

2 I have heard the Learned Counsel for the Applicant,
both in the Civil Application for condonation of delay, as well as,

on review to understand the grounds for review.

3. By order dated 25 August, 2016 the Writ Petition was disposed off as this Court had found that the power of superintendence need not be exercised considering the nature of the impugned order, by which the trial Single Judge had appointed the Court Commissioner. It was observed that merely because another view is possible that the Commissioner need not be appointed, interference under Article 227 of the Constitution of India is not warranted.

4 The Learned Counsel for the Applicant sought to contend that the Commissioner could not have been appointed in respect of the properties not subject matter of the suit and the Court Commissioner cannot be appointed for collecting evidence. The appointment of Court Commissioner is a discretionary order. Before the Commissioner's Report is replied upon, the Court will give opportunity to the parties. There is no necessity to review the order dated 25 August, 2016. Consequently, even if the delay is condoned, no fruitful purpose will be served as the review application is without merit. The Civil Application and Review Petition are accordingly disposed off.

(N.M. Jamdar, J)