

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO. 3849 OF 2018

BHARAT SAHEBRAO PAWAR

VERSUS

BALASAHEB BHIMRAO TONGE & ORS.

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Mr. S.A.Dhengle, Advocate for Petitioner.

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CORAM : V.L.ACHLIYA, J.

DATE : 18th APRIL, 2018

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ORAL ORDER :

1. By this petition preferred under Article 227 of Constitution of India, the petitioner has challenged the order dated 24/11/2017 passed by the Civil Judge [Jr.Division], Kallamb, District Osmanabad. By the impugned order, trial Court has rejected the application seeking appointment of Dy. Supdt. Of Land Records as Court Commissioner to measure the land.

2. Trial Court has rejected the application with observation that the Suit filed by the plaintiff nowhere raises dispute as to the boundaries of suit land and under the garb of appointment of Court Commissioner, the petitioner can not seek to collect the evidence. It is admitted position that the plaintiff has filed Suit seeking

declaration that he is bonafide purchaser of suit land and by way of consequential relief claimed prohibitory injunction to prevent the respondents to disturb possession of the petitioner. In view of nature of claim in the Suit filed by the plaintiff, the order passed by trial Court is fully justified. In absence of any perversity or jurisdictional error or arbitrariness, the writ Court can not interfered with such order.

3. Writ Petition stands dismissed.

[V.L.ACHLIYA, J.]

KNP/W.P. 3849.2018