

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

WRIT PETITION NO. 6547 OF 2018

VIJU VIJAY NIVRUTI GIRAMKAR AND ANOTHER
VERSUS
KISAN MANIKRAO GIRAMKAR AND ANOTHER

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Advocate for Petitioners : Mr Rode Dilip B.

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CORAM : N.M. JAMDAR, J.

Dated: 21 November 2018

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PER COURT :-

Heard the learned counsel for the petitioners.

2. The petitioner has challenged the order passed by the learned Civil Judge rejecting his application for appointment of the Commissioner for carrying out the measurement. Surveyor has already submitted his report and the learned judge has observed that the petitioner has an opportunity to cross examine the surveyor. Even, in the say filed by the respondents/defendants they have stated that the application of the petitioner, is premature. In these circumstances, the exercise of discretion by the learned Civil Judge in not allowing the application at this stage, cannot be said to be perverse.

3. Writ petition is accordingly disposed of.

(N.M. JAMDAR, J.)