

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

914. WRIT PETITION NO. 12753 of 2018

Sarjerao S/o Madhavrao Hinge and others ... Petitioners
Versus
Baban Shripati Ghodke and others ... Respondents

Mr. W.S. Jadhav, Advocate for petitioners.

Coram : N.M. Jamdar, J.

Date : 5 December 2018.

ORAL ORDER :

1. By this petition, the petitioners/dfendants have challenged the order passed below application Exhibit No. 54 in Special Civil Suit No. 179 of 2013 by the learned Civil Judge (Senior Division), Aurangabad, dated 10 October 2018, appointing the Deputy Superintendent of Land Records, Paithan, as the Court Commissioner to carry out the measurement of entire land Gat No. 111 of village Limgaon Taluka Paithan and submit the report.

2 The learned Civil Judge has noted that the suit is filed for removal of encroachment and consequently boundaries will have to be determined and it is necessary to appoint the Court Commissioner. Generally, the Courts appoint Court Commissioner in such cases where there are disputes relating to the measurements. As regards prejudice to the petitioners is concerned, the petitioners have an opportunity to contest the report and to cross examine the Court Commissioner. In these circumstances, no interference is warranted in the impugned order.

3. The writ petition is accordingly rejected.

N.M. Jamdar, J.