

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

916 WRIT PETITION NO.13722 OF 2018

Santosh Sampat Gunjal

Petitioner

Versus

Nivrutti Vishnu Gunjal and others.

Respondents.

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Advocate for Petitioner : Mr. Bajaj Anil S.

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CORAM : N.M. JAMDAR, J.

Dated : 11 December 2018

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ORAL ORDER :-

By this petition, the petitioner-plaintiff has made a limited grievance that the Court Commissioner, which is appointed by the learned Civil Judge Junior Division, Sangamner should not have been an Advocate, but any officer from the Survey Department.

2. In the impugned order, the learned Civil Judge has referred to the need to ascertain whether the road passes through a particular survey number. This would require expertise in land survey. It is submitted that, the respondents/defendants had not sought for appointment of an advocate as Court Commissioner, but has only

asked for the appointment of a Court Commissioner and there is not a specific request by the respondents not to appoint a survey officer.

3. The learned counsel for the petitioner states that, the order appointing an advocate as a Court Commissioner has not yet been implemented. The learned counsel for the petitioner states that, the petitioner will apply to the learned Civil Judge before this order is implemented to point out this above position and seek modification in the order. The learned Civil Judge will consider the application filed for modification of the order after giving an opportunity to the respondents.

4. With these observations, writ petition is disposed of.

(N.M. Jamdar, J.)

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