

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

910 WRIT PETITION NO.13599 OF 2018

Pandurang Sheshrao Dhage and others

Petitioners.

Versus

Nivrutti Roheji Dukare and others.

Respondents.

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Advocate for Petitioners : Mr. Kale Mahesh P.

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Coram : N.M. Jamdar, J.

Dated : 7 December 2018

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PER COURT :-

By this petition, the petitioners have challenged the order passed by the learned Civil Judge J.D. Palam, appointing a Court Commissioner.

2. The suit is filed for encroachment and revolves around the ascertainment of the boundaries. This Court in various decision has acknowledge the need for appointment of a surveyor to ascertain the boundaries to facilitate the early disposal of such disputes. Learned counsel for the petitioners submitted that, survey was done and by the impugned order again it is being directed. There is no merit in this

petition. Survey was done by the plaintiff prior to the filing of the suit. The Civil Judge, has found that for appropriate adjudication of the suit, ascertainment of the boundaries by the survey officer, is necessary. Order is purely interlocutory and discretionary in nature. No interference is warranted under the power of superintendence. Writ petition is accordingly rejected.

(N.M. Jamdar, J.)

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