

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5203 OF 2017

Kantilal Dattatray Shinde	.. Petitioner
Vs.	
Adinath Alias Ajinath Kashinath Ghadge & anr.	.. Respondents

Mr.S.G.Kudle, for the Petitioner.
Mr.Utagikar Makarand Avinash, for Respondents.

CORAM : M.S.KARNIK, J.

DATE : 12th FEBRUARY, 2018

PC. :

1. The challenge of the petitioner – original defendant in this Petition is to an order dated 03/01/2017 passed by the learned 2nd Joint Civil Judge, Junior Division, Pandharpur in Regular Civil Suit No. 206 of 2008. The defendant had filed an application for appointment of a Court Commissioner. The grievance of the defendant is that map which was prepared was not correct and in accordance with law. This may prejudice his case. Learned Trial Judge for the reasons recorded was pleased to dismiss the application. It has been observed by the trial

Court that the application has been filed at the stage when the arguments have been heard. In this view of the matter, I am not inclined to interfere with the impugned order in exercise of writ jurisdiction under Article 227 of the Constitution of India. It will be always open to the petitioner to challenge the order dated 03/01/2017 after the Suit is decided in appropriate proceedings in Appeal. Needless to mention that challenge to the order dated 03/01/2017 will be considered on its own merits by the Appellate Court without being influenced by the observations made by this Court.

2. Subject to what is stated hereinabove, Writ Petition is dismissed. No order as to costs.

(M.S.KARNIK, J.)