

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9233 OF 2018

Maruti Ganpati Kavar

.. Petitioner

Vs.

Gauri Yogesh Sali & Ors.

.. Respondents

Mr.Vaibhav Gaikwad for the petitioner.

None for the respondents.

CORAM : R.D. DHANUKA, J.

DATE : 23rd August 2018

P.C.:

. By this petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 26th March 2018 passed by the learned trial Judge appointing the Court Commissioner in respect of the boundary dispute on the application filed by the respondents (original plaintiffs).

2. Heard the learned counsel appearing for the petitioner and have perused the impugned order as well as the application filed by the petitioner. In view of the boundary dispute between the parties, the learned trial Judge is justified in allowing the application filed by the petitioner for appointment of the Court Commissioner. As and when the Court Commissioner has examined as witness, the petitioner will have right to cross-examine the said witness. It is made clear that the learned Court Commissioner shall issue an advance notice to both the parties before visiting the suit property for the purpose of implementing the

order passed by the learned trial Judge on 26th March 2018. The expenses and fees of the learned Court Commissioner, if any, shall be borne by the original plaintiffs exclusively.

3. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.