

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12989 OF 2017

Shri Shivaji Vithoba Gare and ors. .. Petitioners
Vs.
Shri Jayram Mahadu Shinde and ors. .. Respondents

Mr.Suresh M. Sabrad a/w Mr.VN. Walawalkar, for the
Petitioners.
Mr.Girish R.Agrawal, for the Respondents No.1 & 2.

CORAM : M.S.KARNIK, J.

DATE : 13th FEBRUARY, 2018

P.C. :

1. The petitioners have challenged the order passed below Exhibit 5 in Regular Civil Suit No. 72 of 2014 passed by the Joint Civil Judge, Senior Division, Niphad on 19/08/2017. In a Suit filed by the plaintiff one of the prayers is also for fixation of the boundaries. The plaintiff made an application for appointment of T.I.L.R. as Court Commissioner under Order 26 Rule 10 of Code of Civil Procedure, 1908.

2. I have gone through the order passed by the trial Court. The trial Court has observed that in the present Suit for fixation of boundaries, no prejudice would be caused to the defendants and on the contrary, the said measurement will help the Court to decide the full and final dispute between the parties.

3. In this view of the matter, I am not inclined to interfere in the order passed by the trial Court. Petition is dismissed. No order as to costs.

(M.S.KARNIK, J.)