

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13379/2018

Pandit Govind Bhosale

... Petitioner

V/s.

Laxman Bapu Jadhav & Ors.

... Respondents

Mr. Nagesh Y. Chavan for the Petitioner

Mr. Shashank Mangle with Balwant V. salunkhe for the
Respondent Nos.1 to 6.

CORAM: K.K. TATED, J.

DATED : NOVEMBER 30, 2018

P.C. :

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 19.10.2018 passed by the Jt. Civil Judge, Junior Division, Kavaht Mahankal, Dist. Sangli below Exhibit- 70 in Regular Civil Suit No. 101/2016 allowing the Respondent Plaintiffs Application for appointment of Court Commissioner.

2 The learned counsel for the Petitioner submits that in respect of the suit property, in earlier two proceedings a Court Commissioner was appointed. In spite of that the Trial Court has allowed the Plaintiff's Application below Exhibit- 70. Hence, the Writ Petition.

3 It is to be noted that in the present proceedings, the Respondent Plaintiff has filed Regular Civil Suit No.101/2016 for

removal of encroachment as described in paragraph 1 of the plaint. As the suit is for removal of encroachment, it is necessary to appoint the commissioner from the office of District Superintendent of Land Records to carry out a joint measurement to find out the area of encroachment. In view of these facts, I do not find any substance in the Writ Petition.

4 The Writ Petition stands rejected.

5 All contentions of the parties are kept open.

(K. K. TATED, J.)