

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

WRIT PETITION NO. 781 OF 2019

Chhallobai Motiram Naik and others .. Petitioners

Versus

Hukumchand Kalu Naik and others .. Respondents

Shri Pushpak S. Shendurnikar, Advocate for Petitioners.

CORAM : S. V. GANGAPURWALA, J.

DATE : 12TH JULY, 2019.

FINAL ORDER :

. Application of the petitioners for appointment of Court Commissioner to measure the land is rejected.

2. In fact, the application itself was premature. The petitioners are required to first adduce the evidence, prove their case and thereafter if the circumstance warrant can file application for appointment of Court Commissioner.

3. In the light of that, the petitioners shall first adduce the evidence and prove their case and if thereafter occasion arises, the petitioners may file application for appointment of Court Commissioner, which would be considered by the Court on its own merits.

4. In view of the above, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/July 19