

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

914 WRIT PETITION NO.12460 OF 2018

MADHAV SIDDHAMAHARAJ TAKLIKAR
VERSUS
BHIMRAO CHANDRABHAN KOMATWAR AND ANOTHER

...
Advocate for Petitioner : Shri Pravin N. Kalani

...
CORAM : PR. BORA, J.
Dated: July 11, 2019

PER COURT :-

1. Heard Shri Kalani the learned counsel appearing for the petitioner. The petitioner has challenged the order dated 26.06.2018 passed by Jt. Civil Judge, Jr. Division, Purna below an application at Exh.16 in Regular Civil Suit No. 63 of 2017. The petitioner is the plaintiff in the said suit. The aforesaid application at Exh.16 was filed by him seeking appointment of the Court Commissioner for carrying out the measurement and to fix the boundaries of the suit land. The said application has been rejected by the Trial Court. Aggrieved by, the preset petition is filed.

2. Admittedly, the evidence has not yet commenced and the plaintiff has not yet entered into the witness box. In the circumstances, it does not appear to me that, the Trial Court has committed any error in rejecting the application (Exh.16). The petition being devoid of any substance deserves to be dismissed and

is accordingly dismissed.

3. The petitioner is, however, not precluded from filing a fresh application for the appointment of the Court Commissioner at the appropriate stage, which may be considered by the Trial Court on its own merits.

(PR. BORA, J.)