

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3221 OF 2019

Rohit S. Saha and anr. .. Petitioners
vs.
Mr. Digambar D. Satav and anr. .. Respondents

WITH
WRIT PETITION NO. 3222 OF 2019

Bharat B. Bhide .. Petitioner
vs.
Mr. Digambar D. Satav and anr. .. Respondents

WITH
WRIT PETITION NO. 3223 OF 2019

Sanjay S. Bhalke .. Petitioner
vs.
Mr. Digambar D. Satav and anr. .. Respondents

WITH
WRIT PETITION NO. 3224 OF 2019

Sindhu D. Mahajan .. Petitioner
vs.
Mr. Digambar D. Satav and anr. .. Respondents

Mr. Hemant Ghadigaonkar for the Petitioner in all the petitions.

CORAM : M. S. SONAK, J.
DATE : 16 APRIL 2019.

P.C. :-

1] Heard Mr. Hemant Ghadigaonkar for the petitioners in all these petitions.

2] Mr. Ghadigaonkar, learned counsel for the petitioners in all these petitions, submits that the impugned orders in

these petitions are identical and therefore, these petitions may be disposed of by common order.

3] Writ Petition No. 3221 of 2019 is taken as a lead petition. The challenge in this petition is to the order dated 4th October 2018 by which learned Trial Judge has dismissed the petitioners' application seeking appointment of Court Commissioner.

4] From perusal of the impugned order as well as the record, it is clear that the property purchased by the petitioners are not demarcated either at the site or on any plans. Therefore, learned Trial Judge is right in observing that no useful purpose will be served by appointing Court Commissioner. There is really no jurisdictional error in the view taken by learned Trial Judge.

5] However, it is always open to the petitioners to engage the services of Surveyor in order to establish the exact nature of the property and dimensions of the property which the petitioners claimed to have been purchased/acquired. Such

Surveyor can thereafter be examined as a witness by the petitioners, subject, no doubt, to affording opportunity of cross-examination to the opposite parties.

6] There is no case made out to interfere with the impugned order. Since the petitioner as well as opposite parties have liberty to engage their own Surveyors and thereafter to examine their own Surveyors as witnesses in the suit.

7] With liberty as aforesaid, all these petitions are dismissed. No order as to costs.

8] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)