

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11717 OF 2016

Minal Kiran Jadhav & Anr. ... Petitioners
Vs.
Ghevarchand Babulal Oswal & Ors. ... Respondents

.....
Mr. Rohit D. Joshi a/w Mr. J.M. Joshi for the Petitioners.

.....

CORAM : M. S. KARNIK, J.

DATE : 9th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioners.
2. The petitioners are the original defendants had filed a suit for injunction restraining the plaintiffs from encroaching upon the suit property of the defendants. During the pendency of the suit an application was filed below Exhibit 20 for appointment of Court Commissioner.
3. The Trial Court for the reasons recorded rejected the application for appointment of Court Commissioner. I see no reason to interfere with the order passed by the Trial Court as the

application obviously is made with a view to collect evidence. However after the evidence is over if the application is made by the plaintiffs for appointment of Court Commissioner, the same may be considered by the Trial Court on its own merits and without being influenced by the order passed by this Court.

4. With these observations, the petition is disposed of with no order as to costs.

(M. S. KARNIK, J.)