

DDR

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

WRIT PETITION NO. 10326 OF 2019

Baburao Aaba Tanksale & ors. ..Petitioners
vs.
Pandu Rama Kachare & ors. ..Respondents
....
Shri C.P. Yadav for petitioners.

....
CORAM : M.S.KARNIK, J.

DATE : 25th SEPTEMBER, 2019

P.C. :

Heard learned counsel for the petitioners.

2. The petitioners are the original defendant Nos. 2 and 3.

3. The suit is filed by the plaintiffs simplicitor for permanent injunction. In the suit at the stage when the evidence of the parties was being recorded the plaintiffs filed an application for appointment of the Court Commissioner to find out what is exact position of the suit property. The trial Court rejected the application as the evidence was being recorded.

4. I see no reason to interfere with the order passed by the trial Court. However, after the evidence is recorded, if an application is made by the defendants for appointment of the Court Commissioner, the same can always be considered by the trial Court on its own merits and in accordance with law without being influenced by any observations made in the impugned order.

5. With these observations, the Petition is rejected.

(M.S.KARNIK, J.)

Diksha
Rane

Digitally
signed by
Diksha
Rane
Date:
2019.09.26
18:44:18
+0530