

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1386/2019

Sudhakar Zinguji Zamare

..Vs..

Prabhakar Dnyandeo Zamare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.J. Mehta, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 21.2.2019.

Heard.

The original defendant has challenged the order passed by the trial Court by which the application (Exh. No.16) filed by the respondent / plaintiff for appointment of Court Commissioner is allowed. According to the petitioner / defendant, there is no dispute about the boundaries and the plaintiff is seeking report of Court Commissioner to collect the evidence and this is not permissible.

The learned trial Judge has considered the relevant aspects in paragraph No.4 of the impugned order. After examining the nature of controversy, the learned trial Judge has expressed that joint measurement of the plots of plaintiff and defendant and measurement of construction of the defendant by the Court Commissioner will facilitate the adjudication more effectively. I find that the learned trial Judge has rightly exercised the jurisdiction vested in him and it cannot be

said that the impugned order suffers from any illegality which necessitates interference by this Court in the extraordinary jurisdiction. The writ petition is **dismissed**.
No costs.

JUDGE

Tambaskar.