

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6288 OF 2019

Rajendra s/o Bhaurao Bijwar, Wardha

-vs-

Nilkanth s/o Modkuji Ther and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Badal Lonare, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATE : September 30, 2019

The petitioner is aggrieved by the rejection of the application for appointment of Commissioner.

The trial Court has observed that since the suit is based on relationship of parties as landlord and tenant, and eviction of the defendant has been sought on that basis, it is not necessary to appoint the Court Commissioner.

Heard Shri B. Lonare, learned counsel for the petitioner who submits that since some rooms in the building in question are vacant, it is necessary to verify the same. Hence for that purpose the appointment of the Commissioner was sought.

Considering the nature of reliefs sought in the suit it is always open for the petitioner herein to lead evidence to indicate that the need of the original plaintiff is not bonafide. There is no reason to appoint a Court Commissioner for that purpose. Hence there is no reason to interfere in writ jurisdiction. The Writ Petition is therefore dismissed. No costs.

JUDGE