

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO.1355 OF 2019

MAHADEV SANTOBA BHONDVE
VERSUS
KASHINATH HIRAJI BOCHARE

...

Advocate for Petitioner : Mr. Lomte Arun S.
Advocate for Respondent: Mr. P.D. Dadpe h/f Mr. R.S.
Sarvadnya

...

CORAM : V. K. JADHAV, J.
DATED : 3rd February, 2020

PER COURT :-

1. Heard finally with consent at admission stage.
2. I do not find any substance in this writ petition. The petitioner - plaintiff has instituted the suit for declaration and decree of perpetual injunction before the learned Civil Judge, Junior Division, Jintur. In a suit for declaration of ownership and for perpetual injunction, the petitioner - plaintiff has filed an application (Exhibit-35) in RCS No.02 of 2015 for appointment of the Court Commissioner belatedly, which the trial Court has rightly rejected. The evidence of both the side is closed. There is no boundary dispute. The respondent – defendant is not the adjacent land owner. It is for the trial Court to find out as to who is the owner in legal possession of the suit property and those powers can not be delegated to the Commissioner.
3. I find no fault in the order passed by the trial Court. Hence, I proceed to pass the following order:

ORDER

(I) The writ petition is hereby dismissed.

(V. K. JADHAV, J.)

Sam..