

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11469 OF 2019

Shri Ramesh Shankarrao Kevate ... Petitioner.

V/s

Shri Dipak Shankarrao Kevate and Ors. ... Respondents.

Mr. Anwar Shaikh for the Petitioner.

Mr. Ayodhya Patki for Respondent No.1.

Mr. Himanshu Kode for Respondent Nos.2, 3 & 4.

CORAM : A. S. GADKARI, J.
DATE : 12th MARCH, 2020

P. C. :

1. The respondent No.1/original defendant No.1 has filed an Affidavit dated 4th January 2020 conceding for the appointment of Court Commissioner by the Trial Court for local inspection of the suit property.
2. There is consensus amongst the learned counsel for the parties herein that, the appointment of Court Commissioner for local inspection as well as considering nature of suit property is necessary.
3. In view thereof, impugned Order dated 30th September 2019 passed below Exhibit-46 is hereby set aside.
4. It is made clear that, learned Joint Civil Judge, Senior Division, seized of Special Civil Suit No.146 of 2019 is hereby directed to appoint a Court Commissioner as per the application of the plaintiff filed below Exhibit-46 (page 8 to the present petition).

It is needless to mention that, the petitioner/plaintiff shall bear necessary legal charges of the said Court Commissioner.

5. Petition is allowed in the aforesaid terms.

(A. S. GADKARI, J.)