

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3331 OF 2021

Dhondubai Dhondiba Shinde & Anr. .. Petitioners

Versus

Sadashiv Iru Shinde & Anr. .. Respondents

...

Mr.P.P.Kulkarni for the Petitioners.

Mr.M.B.Khaire for the Respondent Nos.1 and 2.

...

CORAM: BHARATI DANGRE, J.

DATED : 07th DECEMBER, 2021

P.C:-

1. The petitioners are aggrieved by an order passed by the learned Civil Judge, Senior Division, Gadhinglaj on 29/02/2020, on an application filed at Exh.54, which is taken out by the defendants for appointment of the Court Commissioner, to carry out the measurement and while allowing the said application under the impugned order, the learned Judge has appointed the Deputy Superintendent, Land Record, Ajara to measure the suit property and submit the measurements alongwith the map. He is also directed to take measurement of the common wall existing between the suit properties and it should be so indicated in the map alongwith the encroachment, if any.

2. Learned counsel for the petitioners, has invited my attention to a application filed by the very same defendants, who have taken out Exh.54, alleging that the defendants are not desirous of the appointment of the Court Commissioner, which they have earlier sought for. If such an application is made, it is for the learned Judge to take appropriate steps.

Without saying anything more, the writ petition is dismissed.

(SMT. BHARATI DANGRE, J.)