

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4913 OF 2021

Ganesh Tukaram Pawar Petitioner

Vs.

Sarpanch, Kapil Grampanchayat Respondent
Tal. Karad, District Satara

Mr. Kalpesh U. Patil for Petitioner.

Coram : NITIN W. SAMBRE, J.
Date : 1st SEPTEMBER, 2021

P.C.:

1. The impugned in the petition is an order passed under Order XXVI of Code of Civil procedure appointing Court Commissioner in a suit preferred by the Petitioner for injunction.

2. The submissions are the appointment of Court Commissioner at the behest of Respondent-Defendant is with an intent to collect the evidence.

3. The rival pleadings of the parties are, the width of road as according to the Plaintiff is 8 feet and as per the Defendant it is 33 feet.

4. In this backdrop, in my opinion, the order impugned appointing Court Commissioner is very much justified. No illegality is noticed in the order impugned. The Petition stands dismissed.

(NITIN W. SAMBRE, J.)