

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10796 OF 2017

Raosaheb Vishnu Anbhule

...Petitioner

vs.

Deepak Prakash Anbhule and Ors.

...Respondents

Mr. Prasad P. Kulkarni for Petitioner.

CORAM : AMIT B. BORKAR, J.

DATE : 26 NOVEMBER 2021.

P. C. :

By this petition filed under Article 227 of the Constitution of India, petitioner is challenging the order rejecting application for appointment of Court Commissioner.

2. The suit of petitioner is simplicitor for injunction. There is no issue in relation to dispute of boundary of the suit property nor there is any controversy relating to encroachment over the suit property. Learned trial court was therefore justified in rejecting application for appointment of court Commissioner. Even otherwise, the order impugned is interlocutory. It is always open for the petitioner to raise challenge to this order while in substantive appeal in case suit is decided against the petitioner.

3. With above clarification Writ petition stands disposed of.

(AMIT B. BORKAR, J)