

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

**WRIT PETITION NO.611 OF 2017**

Smt. Rekha Sharad Pathak and Anr.

...Petitioners

vs.

Nadini Nitin Thorat

...Respondent

Mr. Vilas B. Tapkir for Petitioners.  
None for Respondent.

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**CORAM : AMIT B. BORKAR, J.**

**DATE : 26 NOVEMBER 2021**

**P. C. :**

The order under challenge is rejection of application under Order 26 Rule 9 and 12 of Code of Civil Procedure. The suit is for declaration of ownership and for injunction. There is no dispute of boundaries or encroachment in relation to the suit property.

2. In the aforesaid facts, the learned trial court was justified while rejecting the application for appointment of court Commissioner. The order impugned being an interlocutory order, it is always open for petitioner to raise challenge to interlocutory order in an appeal under Section 96 of C. P. C.

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3. With the above clarification petition is dismissed.

(AMIT B. BORKAR, J)