

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****WRIT PETITION NO. 653 OF 2021**

Ramesh Natthuji Pagrut and Ors Vs. Narayan Natthuji Pagrut and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.B. Bhise, Advocate for petitioners.
Shri A.M. Kadukar, AGP for respondent No.4.

CORAM : V.M. DESHPANDE, J.

DATE : 25th FEBRUARY, 2021.

Heard Shri Bhise, learned counsel for the petitioners.

(2) The petitioners are challenging the order passed by the learned 5th Joint Civil Judge Senior Division, Akola dated 03.01.2020 below Exhibit -94 whereby the learned Judge has rejected the application filed by the petitioners under Order XXVI Rule 9 of the Code of Civil Procedure for appointment of a Commissioner.

(3) From the impugned order, it is clear that on earlier occasion, as per order of the Court below a Commissioner was appointed for local inspection. The Deputy Superintendent of Land Record, Akola has carried out the measurement and accordingly he has filed the detailed report. The contention of the petitioner for filing the application for fresh appointment of the Court Commissioner is that the said Commissioner has not visited the field Gat No.41.

(4) The said contention is devoid of any substance. The learned trial Court has reproduced the report of the Deputy Superintendent of Land Record, Akola in the impugned order and a perusal of the same shows that he has visited field Gat No.41.

(5) In that view of the matter, it cannot be said that the Court below has committed an error in rejecting the application. Hence, no case is made out. The writ petition is dismissed. No order as to costs.

JUDGE

Wagh