

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3644 OF 2022

PANDURANG BHAGWAN GORE
VERSUS
NAVNATH RANGNATH GORE AND ANOTHER

Advocate for Petitioner : Mr. V.S. Undre

[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 8th April, 2022

ORDER :

. The petitioner is aggrieved by the order passed by the 3rd Joint Civil Judge (Senior Division), Osmanabad below Exh.35 in R.C.S. No. 618 of 2013 thereby rejecting the application filed by the petitioner seeking appointment of the Deputy Superintendent of Land Records, Osmanabad as Court Commissioner to measure the suit property as well as the property of respondents-defendants.

2. The said application came to be rejected by the Trial Court on the ground that already Taluka Inspector of Land Records was appointed and he has submitted the report, wherein it is mentioned that, the petitioner and defendants

both have encroached on 1R land.

3. Admittedly the suit filed for getting the land measured for fixing the boundaries and for perpetual injunction. Taluka Inspector of Land Records who has measured the land and submitted the report is not yet examined. The plaintiff has commenced his evidence. After the TILR is examined and if the petitioner finds it necessary, he may apply to the Trial Court for appointment of Superintendent of Land Record as Court Commissioner. The said application would be decided in the Trial Court on it's own merits without being influenced by the impugned order. However, at this stage filing of such application on the part of petitioner is premature and the Trial Court has rightly rejected the same.

4. By granting liberty to file application under order XXVI rule 9 of Civil Procedure Code, after the TILR is examined, the Writ Petition is dismissed.

**[NITIN B. SURYAWANSHI]
JUDGE**