

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11154 OF 2022**

CHANDPASHA GANI GUDWALE
VERSUS
THE COLLECTOR LATUR AND OTHERS

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Mr. Swapnil A. Deshmukh, Advocate for the
Petitioner.

Mrs. G. L. Deshpande, AGP for Respondents-State.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 11th NOVEMBER, 2022.**

PER COURT:-

1. By the present petition the petitioner challenges order passed by the 2nd Joint Civil Judge, Senior Division, Latur on 11.08.2022, whereby the petitioner's application for appointment of Court Commissioner has been turned down.

2. I have perused the application filed by the petitioner/plaintiff at Exhibit-104. That application was filed on 24.02.2022 after the evidence of both the sides was already closed and the suit was fixed for argument. The application is filed in a most casual manner contending that defendant no.5 had given misleading information in his oral evidence and that appointment of Court Commissioner was necessary for the purpose of procuring correct information about the suit property. This is the only reason cited in the application dated 24.02.2022 seeking appointment of the Court Commissioner. The petitioner did not specify as to the nature of erroneous information

allegedly given by defendant no.5 in his deposition nor clarified as to how the Court Commissioner can reveal the correct information.

3. It is the case of the petitioner in the suit that he is the owner and possessor of the suit property.

4. The learned counsel for the petitioner submits that by appointing the Court Commissioner, the Court would have been in a position to ascertain the nature of the property as to whether the same is Gairan land or not.

5. Not only this was not pleaded in the application dated 24.02.2022, it is beyond comprehension as to how the Court Commissioner can decide or opine about the nature of the property just by visiting the same. To my mind the application dated 24.02.2022 was filed only to delay decision of the suit which has been pending since the year 2015. The Trial Court has rightly rejected the application.

6. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE