

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

926 WRIT PETITION NO.12439 OF 2022

DHONDIRAM LIMBAJI BHADRE

VERSUS

MACHINDRA TUKARAM GIRI AND OTHERS

...

Advocate for Petitioner : Mr Kachru A. Ingle

**CORAM : SANDEEP V. MARNE, J.**  
**DATE : 8th DECEMBER, 2022**

**PER COURT :**

1. By this petition, petitioner challenges order dated 11.10.2022 passed by the Jt. Civil Judge, Junior Division, Latur rejecting application below Exh.19 filed by petitioner for appointment of Court Commissioner.
2. Petitioner has suffered a decree of perpetual injunction, which has attained finality.
3. Alleging that petitioner has breached the decree, the decree holder has filed applications under Order 39 Rule 2-A of CPC which are pending. In those proceedings, petitioner filed application for appointment of Court Commissioner, which has been rejected.
4. Whether petitioner has committed breach of order of injunction or not is something which a decree holder has to satisfy the executing Court. The Judgment debtor/petitioner cannot seek appointment of Court

Commissioner for carrying out measurement. The application has rightly been rejected.

5. The writ petition is devoid of merits and the same is dismissed with no orders as to costs.

**[ SANDEEP V. MARNE, J.]**

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