

Chitra Sonawane

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

CIVIL WRIT PETITION NO.5502 OF 2021

Karad Taluka Kharedi Vikri Sangh Ltd.

... Petitioner.

Vs.

Ujwal Ramvilas Lahoti

... Respondent.

Mr.Dhrupad Patil i/b Mr. Yogesh V. Patil for petitioner.

Mr.Balasaheb G.L. for respondent.

CORAM : N.R. BORKAR, J.

DATE : 7th MARCH, 2022.

PC.:

1. This petition takes an exception to the order dated 23.11.2020 passed by the Civil judge, Junior Division, Karad below Exhibit 6 in RCS no.616/2020.

2. The respondent/landlord herein had filed the suit for eviction and possession against the petitioner/tenant on the ground that respondent had carried out permanent alteration in the suit premises. The respondent in support of his case sought appointment of a Court Commissioner. The trial court by the order impugned allowed the said application and appointed Advocate Mr.A.A.Kadam as Court Commissioner.

3. This Court by order dated 24.9.2021 permitted the respondent to get the suit premises inspected through a Government panel Engineer. I am told that pursuant to the said order, concerned Engineer inspected the

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suit premises. Thus, there appears to be no need to get the suit premises inspected by the Court Commissioner. The order impugned is thus, set aside.

4. The trial court shall permit the respondent to place on record the inspection report of the concerned Engineer and shall allow the respondent to examine him as a witness.

5. Needless to mention that the trial court shall allow the petitioner to cross examine the concerned witness.

6. The petition is disposed of in above terms.

(N.R. BORKAR, J.)

