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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 728 OF 2022**

SHAHJI NIVRUTTI BALWADKAR AND ORSPetitioners

V/s

SUBHASH SHANKARRAO ADWALRespondent

Ms. Divya V. Parab for the Petitioners.

Mr. Rampal Kohli a/w Ms. Nikita Dharamshi i/b M/s C.K. Legal for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 26, 2022

P.C.:-

1] The order impugned is passed below Exhibit-98 whereby report of the Court Commissioner is accepted.

2] Submissions are, in the given set of facts, Court ought not to have appointed the Court Commissioner and acceptance of Report is without any authority of law.

3] I have appreciated the submissions.

4] There appears to be a compromise decree of which execution is sought vide Darkhast No.136 of 2011. Execution is pending since last about 12 years.

5] Fact remains that decree is for partition and possession.

6] In the aforesaid backdrop, Court below has rightly drawn report from the Court Commissioner and after considering various objections, accepted the same.

7] In that view of the matter, in my opinion, no case for interference is made out. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)