

Anand

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

WRIT PETITION 4133 OF 2019

Deepak Krishavtar Madan & anr. .Petitioners

Vs.

The Nasik Municipal Corporation & anr. .Respondents

Mr. Vikram Sathaye i/b. Ms Yogita Deshmukh Chitnis,
Advocate, for the Petitioners

Mr. Rohit P. Sakhadeo, Advocate, for the Respondents 1 & 2

CORAM : ROHIT B. DEO, J.

DATE : 12.07.2022

P. C.

. The challenge is to the order of the learned
Appellate Court, whereby Application preferred by the
Appellant seeking appointment of Commissioner is rejected.

2. I am not inclined to delve deeper in the reasons
recorded by the Appellate Court.

3. I am satisfied that without preferring an
Application under O. XL, Rule 27 of the Code of Civil
Procedure, 1908 (for short 'CPC'), the Application for

appointment of Court Commissioner was not maintainable.

4. The Petition is disposed of with liberty to the Petitioners - Appellants to prefer an appropriate Application under O. XL, Rule 27 of the CPC, which shall be considered on its own merits, and at an appropriate stage.

(ROHIT B. DEO, J.)