

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3366 OF 2022

Shri. Bhairu Ghevarchand Oswal ..Petitioner

Versus

Shri. Manish Kantilal Jain and Ors. ..Respondents

Mr. Raju D. Suryawanshi, for the Petitioner.

Mr. M. P. Dalvi, for the Respondent Nos.1 & 2.

Mr. Rakesh Bhtkar, for the Respondent No.3.

CORAM : NITIN W. SAMBRE, J.

DATE : 31th MARCH, 2022

PC.

1. The petition is by the plaintiff, wherein prayer for appointment of Court Commissioner vide application Exh.29 came to be rejected.

2. Heard.

3. Drawing support from the judgment of this Court in the matter of *Bento Antonio Gomes alias Antonio Bento Gomes Vs. Rosario Salvador Carneiro* reported in (2014) 1 BCR 678 in paragraphs 14 and 19, it is claimed that the question of boundary dispute is justified to appoint Court Commissioner.

4. Considered submissions.

5. It is for the petitioner/plaintiff to establish his claim in support of the prayer in the plaint as already enough documentary evidence has been brought on the record by the public authority in relation to the measurement. That being so, in my opinion, no case for interference in the impugned order is made out.

6. The petition as such stands dismissed.

[NITIN W. SAMBRE, J.]