

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

WRIT PETITION NO. 11752 OF 2016

Balu Fakira Pelmahale

....Petitioner

Versus

Jaideep Anant Ghule & Anr.

....Respondents

None for the Petitioner.
None for the Respondents.

CORAM : N. R. BORKAR, J.

DATE : 20th JANUARY, 2022.

P.C. :

. This petition takes an exception to the judgment and order dated 09th June, 2016, below Exhibit- 24 passed by learned Civil Judge Junior Division, Dindori, in R.C.S. No. 18 of 2012.

2. The Petitioner herein filed the suit for declaration that he has become owner of the suit property by adverse possession and injunction. By application at Exhibit- 24, the petitioner sought appointment of the Court Commissioner to bring factual position on record.

3. The trial Court rejected the application at Exhibit-24 by the order impugned, by observing that the Court Commissioner cannot be

appointed for collecting the evidence.

4. Considering the nature of the suit, the trial Court was justified in rejecting the application for appointment of Court Commissioner. No interference in the order impugned is called for. The petition is dismissed.

(N. R. BORKAR, J.)