

SHALIKRAM
PRALHADRAO
BOREY
Digitally signed
by SHALIKRAM
PRALHADRAO
BOREY
Date:
2022.07.12
14:26:56
+0530

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

WRIT PETITION 7675 OF 2022

Vimal Sudam Ghaste

... Petitioner.

Versus

Arjun Dattatraya Ghadge & Anr.

... Respondents.

Ms. Shraddha Sakpal, Advocate i/by Bhushan Walimbe for
the Petitioner.

Mr. Vaibhav R. Gaikwad, Advocate for Respondents.

CORAM : ROHIT B. DEO, J.

DATE : JULY 08, 2022

P.C. :-

1. The Petitioner is the Defendant in Regular Civil Suit 82 of 2009.

2. The limited grievance of the Petitioner is that the learned trial Court committed an error in permitting the Plaintiff to cross-examine the Court Commissioner, who was appointed to measure the suit property.

3. The learned trial Judge after referring to the provisions of Order 26 Rule 10 of the Code of Civil Procedure, 1908 has

correctly held that since the report of the Commissioner constitutes an evidence, any person who objects to the report, is entitled to cross-examine the Court Commissioner. The learned trial Judge is further right in holding that the Court Commissioner is not a witness for the rival parties.

4. I see no error in the order impugned.

5. The Petition is dismissed.

(ROHIT B. DEO, J.)

.....