

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 WRIT PETITION NO.14309 OF 2023

BHAGWANRAO RAOSAHEB GHOGRE AND OTHERS
VERSUS
MAHADEVI VILAS BAGADE AND OTHERS

...
Advocate for Petitioners : Mr. Madde Shrikant B.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09th NOVEMBER, 2023

PER COURT :

Heard learned counsel for the petitioner.

2. An order dated 07th September, 2023, rejecting petitioners' / defendants' application for appointment of Court Commissioner is under challenge. The respondent has filed suit for partition possession and declaration. It is contested by the petitioner and one of the pleas is suit is under valuation. Issue to that effect has been framed which is on page no. 33.

3. As the petitioner has challenged the valuation of the suit, the burden is upon the petitioners to lead evidence and demonstrate the under valuation of the suit. Application exhibit 47 is filed for the appointment of Commissioner for visiting the suit site and submitting report of valuation. On the face of the application it can be inferred that it is an attempt to collect the evidence.

4. Learned Judge has rightly dealt with the matter. I have not seen any illegality or perversity in the finding recorded in paragraph no. 4. No case is made out to interfere in the impugned order. The Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]

spc/