

Nikita

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

WRIT PETITION NO.13796 OF 2022

Vimal Suresh Gangthade and Ors. ... Petitioners

V/s.

Maruti Dhigambar Jadhav and Ors. ... Respondents

Mr. Siddharth S. Deshpande for the Petitioners.

Mr. Manisha Devkar a/w Mr. Shankar Katkar a/w Ms.
Siddhi Patil for Respondent Nos. 1 to 8.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 6, 2023

P.C.:

1. The petitioners are original plaintiff who filed suit for possession of the suit premises.
2. In such a suit he filed application for appointment of Taluka Inspector of Land Records as the Court Commissioner. The Trial Court by impugned order rejected the application relying on precedents laid down by this Court. Considering the nature of prayer sought by the petitioners, the rejection of application for appointment of Court Commissioner cannot be faulted as it is settled that the appointment of Court Commissioner can be ordered in a suit for removal of encroachment or a suit where boundary dispute is involved. Hence, there is no error of jurisdiction.

3. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)