

Nikita

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

WRIT PETITION NO.7837 OF 2022

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KAILAS
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Date: 2023.09.26
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Vishwas Kallappa Bhirade

... Petitioner

V/s.

Arun Vishnu Kakade and Ors.

... Respondents

Mr. Kuldeep U. Nikam for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2023

P.C.:

1. Considering the frame of suit, which is seeking injunction against the defendant not to disturb his possession, no fault can be found with the order of the Trial Court refusing to allow applicant for Court Commissioner. However, learned counsel for the petitioner states that the application for amendment of plaint to add prayer for removal of encroachment is already filed. In case such application is allowed the petitioner is permitted to renew his request for appointment of Court Commissioner.
2. With this clarification, the writ petition stands disposed of.
3. If such application is filed, same shall be decided on its own merits.

(AMIT BORKAR, J.)