

AGK

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

WRIT PETITION NO.13159 OF 2023

Sinnar Agrovat Pvt. Ltd.

through director Shubham Baldi

... Petitioner

V/s.

Deepak Maruti Naik & Ors.

... Respondents

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Mr. Sachindra B. Shetye for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 26, 2023

PC.:

1. By this writ petition under Article 227 of the Constitution of India, the petitioner/original plaintiff filed an application for appointment of Taluka Inspector of Land Records (TILR) as Court Commissioner in a suit for injunction restraining defendants from carrying out construction over the suit property.

2. Considering the nature of the suit, the Trial Court rejected the application holding that it is for the plaintiff to establish his possession to seek relief of injunction. The Trial Court observed that appointment of Commissioner would amount to collection of evidence.

3. Considering the nature of the suit, in my opinion, no error of jurisdiction is committed by the Trial Court in rejecting the

application.

4. There is no merit in the writ petition. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)