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

WRIT PETITION NO.901 OF 2023

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Sunny Mahesh Hotchandani & Ors. ... Petitioners

V/s.

Vaishnavi Developers ... Respondent

Mr. Mandar Soman for the petitioners.

Mr. Vivek V. Salunke for the respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

P.C.:

- 1.** The challenge in this writ petition is to the order rejecting application for appointment of Court Commissioner to measure the encroachment over the entire suit property.
- 2.** Considering the reliefs prayed, it appears that the plaintiff is seeking possession of entire suit property alleging encroachment over entire suit property. If the plaintiff succeeds in his suit, the plaintiff would be entitled to vacant possession. In such a suit, appointment of Court Commissioner to measure the extent of construction is not necessary to arrive at any real issue involved between the parties. There is no error in the impugned order.
- 3.** The writ petition, therefore, stands rejected. No costs.

(AMIT BORKAR, J.)