

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 503 OF 2023

Kalu Tulshiram Aher ...Petitioner

Versus

Anil Ashok Shinde ...Respondent

.....

Mr. Suhas Deokar for the Petitioner.

Mr. S. S. Panchpor i/b Mr. Rajan Pawar for the Respondent.

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CORAM : N.R. BORKAR, J.

DATED : 8 JUNE 2023

P.C. :-

. This petition takes exception to the order dated 21 September 2022 passed by the Civil Judge (Junior Division), Chandwad below Exhibit- 15 in R.C.S. No. 17 of 2021.

2. By the order impugned in a suit filed by the respondent/ plaintiff for removal of encroachment and possession, the trial Court on the application filed by the respondent/ plaintiff appointed Taluka Inspector of Land Records as Court Commissioner to measure the suit lands.

3. The only submission is that the trial Court ought not to have allowed the application for appointment of Commissioner before

commencement of trial. In support of the said submission, the learned counsel for the petitioner has relied upon the judgment and order passed by this Court dated 16 March 2021 in Writ Petition No. 215 of 2019.

4. The learned counsel for the petitioner has, however, not disputed that to decide the issue involved in the suit the report of Taluka Inspector of Land Records would be necessary. In that view of the matter, I am not inclined to entertain the present petition. The Petition is dismissed.

(N.R. BORKAR, J.)