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

WRIT PETITION NO.2147 OF 2018

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Jahoor Mahmud Sayyed

... Petitioner

V/s.

Gorkshnath Devram Sasane & Ors.

... Respondents

Mr. Santaram A. Tarale for the petitioner (through V.C.)

Mr. Sanjay Kshirsagar for respondent Nos.1 to 4.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2023

P.C.:

1. The petitioner is original plaintiff who filed suit for declaration that defendants have no right, title and interest in the suit property and injunction restraining defendants from disturbing plaintiff's possession over the suit property and carrying out construction over the suit property.

2. The Trial Court dismissed the suit against which the petitioner filed an appeal under Section 96 of the Code of Civil Procedure, 1908. In the said appeal, the petitioner filed an application under Order 26 Rule 9 of the Code of Civil Procedure, 1908 for appointment of Court Commissioner.

3. Considering the nature of prayer and the application having

been filed in appeal, no interference in the impugned order is called for.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)