

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.6945 of 2022

DAGADU S/O SHYAMRAO JADHAO VS LAXMAN S/O SHYAMRAO JADHAO AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.P. Kariya, Advocate for the Petitioner

**CORAM : ANIL S. KILOR, J.
DATED : 03.01.2023.**

Heard.

In this petition, a challenge is raised to the order below Exh.72 dated 14.12.2021 passed by the 3rd Joint Civil Judge Junior Division, Buldhana, rejecting the application for holding spot inspection of land.

The learned counsel for the petitioner submits that the order impugned is erroneous as the trial Court has not considered the fact that to determine the possession and the facts brought on record by way of Exh.72 application, the appointment of Commissioner is necessary.

I have perused the application (Exh.72) and the impugned order.

The contents of the application (Exh.72) sufficiently show that the purpose to seek appointment of commissioner, is to collect the evidence and on the same ground, the application was rejected by the learned trial Court. It is a settled law that the

Court Commissioner cannot be appointed for the purpose to collect the evidence.

In the circumstances, I do not find any error committed by the learned trial Court while rejecting the application of the petitioner for appointment of Court Commissioner. In that view of the matter, I do not find any merit in the present petition, accordingly, it is **dismissed**.

[ANIL S. KILOR, J.]