

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

**WRIT PETITION NO.2854/2019**

**Shriram s/o Vitthalrao Mendhe**

**...Versus...**

**Narayan s/o Dnyaneshwar Nagpure and others**

-----  
Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
-----

Court's or Judge's orders

-----  
Shri S.A. Radke, Advocate for petitioner

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 21/03/2023**

1. Heard Shri S.A. Radke, learned counsel for the petitioner.

2. The petition challenges the order dated 01/03/2019, passed by the learned Trial Court, rejecting the application for appointment of Commissioner. It is not in dispute that earlier to the present application (Exh.50) the suit property was measured on 31/03/2017, of which the report was submitted to the Court on 29/06/2017 along with map, to which the present petitioner has already taken an objection, which is still not decided. In such a situation, it was impermissible for the petitioner to have filed another application for appointment of Commissioner. I, therefore, see no reason to interfere in the impugned order, which rightly rejected the said application. The writ petition is, therefore, dismissed. No order as to costs.