

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

WRIT PETITION NO.5155 OF 2023

(Gajanan Chirkuta Ramteke Vs. Prakash Balaji Lonare and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. A. Dhawas, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 11th AUGUST, 2023.

The application for appointment of Commissioner came to be rejected vide impugned order dated 11.01.2023 on the ground that the suit is not for removal of encroachment whereas it is for prohibiting the defendant from carrying out any illegal construction.

2. After going through the application, it is evident that the petitioner is seeking appointment of Commissioner to determine the issue of encroachment. As observed herein-above, the suit is not for removal of encroachment and there is no issue in respect of encroachment involved in the said suit. In the circumstances, I do not find any merit in the present case as the learned Trial Court has rightly rejected the application on the above referred ground. The writ petition is dismissed.

(ANIL S. KILOR, J)