



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

WRIT PETITION NO.500 OF 2018

Shri Eknath Nivrutti Dhadve .Vs. Bandu @ Pandhari Parashram Gote 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 V.K. Paliwal, Advocate for petitioner.

Shri A.S. Deshpande, Advocate for respondent Nos.1 to 9.

CORAM : ANIL S. KILOR, J.

DATED : 30/10/2023

1. Heard.

2. The petitioner is the original applicant who filed the suit for perpetual and mandatory injunction. The southern wall in suit property was collapsed and when the plaintiff started constructing the wall, the dispute arose between the plaintiff and the defendant. According to the plaintiff/petitioner, there is a road of 15 feet in width of the Gram Panchayat which the defendant is disputing and therefore, he made an application for appointment of Court Commissioner to inspect the spot and submit the report.

3. The said application came to be rejected vide order dated 02.05.2017, which is impugned in the present writ petition.

4. Admittedly, there is no dispute raised in a suit in respect of 15 feet road of Gram Panchayat. Thus, it is evident that, the petitioner wants to appoint the Court Commissioner for the dispute which is not involved in the suit or which is not the subject matter of the suit.

5. The learned trial Court therefore, rightly rejected the application and since, I do not find any error committed by the learned trial Court, the writ petition is **dismissed**.

JUDGE