

VRJ

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

WRIT PETITION NO.7600 OF 2016

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RAMESH
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Date: 2024.11.29
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Gajanan Abasaheb Shinde & Anr.

... Petitioners

V/s.

Satish Akaram Khule & Ors.

... Respondents

Mr. Manoj A. Patil for the petitioners.

Ms. Stefy J. Dias i/by Mr. Umesh R. Mankapure for
respondent Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 29, 2024

P.C.:

1. The Trial Court, by the impugned order, has rejected the application under Order 26 Rule 9 of the Civil Procedure Code, 1908 for appointment of Court Commissioner. However, on perusal of the plaint, it appears that the suit is filed for injunction. It is well settled that the Court Commissioner can be appointed only when there is boundary dispute or issue of encroachment is involved. In absence of such issue, the Trial Court was justified in rejecting the application. Hence, no interference is called for in the impugned order. The writ petition stands dismissed.

2. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)