

Shabnoor

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

WRIT PETITION NO.1575 OF 2019

**WITH
INTERIM APPLICATION (ST) NO.30658 OF 2024**

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Mugut Trimbak Dhamal ... Petitioner
V/s.
Gramsevak, Grampanchayat Mouje
Aswali Tal Khandal Satara & Ors. ... Respondents

Mr. P. B. Gujar for petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2024

PC.:

1. The Trial Court by the impugned order has rejected petitioner's application for appointment of the Court Commissioner in exercise of power under Order 26, Rule 9 of the Code of Civil Procedure, 1908. Undisputedly, the plaint does not involve the issue in relation to encroachment or boundary dispute. Whether the suit property is part of Gavthan can be established by way of leading of oral evidence. However, the impugned order does not warrant interference at this stage as the order. The writ petition stands dismissed.

2. In view of disposal of the petition, the interim application does not survive, hence, the interim application stands disposed of.

(AMIT BORKAR, J.)