

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2410 OF 2023

Jabbar Bashu Shaikh

VERSUS

The District Collector And Others

...

Advocate for the Petitioner : Mr. Deshmukh Swapnil A

AGP for Respondent/State : Mr. R.B. Dhaware

Advocate for Respondent Nos.4 & 5 : Ms. Pooja K. Apache h/f Mr. R.D.
Biradar

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 10, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioner challenges the order dated 04.01.2023 passed below Exhibit-52 by the learned 3rd Joint Civil Judge, Senior Division, Latur in Regular Civil Suit No.143 of 2017, whereby the application filed by the plaintiff for appointment of Court Commissioner for measurement of the suit property came to be rejected.
3. While considering the application, the learned Trial Court observed in para 6, which reads as under :

"6. The present suit was filed for the relief of perpetual injunction. The instant suit was not filed for the removal of encroachment. In the present case, the evidence of both the parties were closed. The contents of the application shows that, the plaintiff want to appoint the Court Commissioner to bring the

actual position of suit property on record. However, it is settled law that, the Court Commissioner cannot be appointed for the collection of evidence. The present application itself shows that by way of present application, the plaintiff want to collect the evidence by appointing the Court Commissioner.”

4. In view of the above observations, I do not find any perversity in the order dated 04.01.2023 passed below Exhibit-52 by the learned 3rd Joint Civil Judge, Senior Division, Latur in Regular Civil Suit No.143 of 2017.

5. The petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)