



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3429 OF 2024

Sanjay Santram Dubhashe And Another
VERSUS
Grampanchayat Office Saygaon Through Its Gramsevak And
Others

...
Mr. S. S. Kulkarni, Advocate for the Petitioners
Mr. S. A. Ambad, Advocate for Respondent nos.1 and 2

.....
CORAM : ROHIT W. JOSHI, J.
DATED : 23RD JUNE, 2025

PER COURT :-

. The present petition is filed challenging order dated 07.02.2024, passed by the learned 3rd Joint Civil Judge, Junior Division, Ambajogai, rejecting application for appointment of Court Commissioner for measurement of suit property filed by the petitioners/original plaintiffs in Regular Civil Suit No.157 of 2022 vide application at Exhibit 33.

2. The learned Trial Court has also observed that for the present, there is no material on record to demonstrate ownership and possession of the plaintiffs over the suit property. The learned Trial Court is right in holding that initially the plaintiffs must lead evidence to demonstrate

ownership over the suit property and need for measurement. Application for appointment of Court Commissioner should be filed on evidence to establish their right is brought on record. In such circumstances, the petition is **disposed** of granting liberty to the petitioners/original plaintiffs to file appropriate application after leading evidence to demonstrate their ownership over the suit property. As and when, such an application is filed, the same will be decided on its own merits in accordance with law.

(ROHIT W. JOSHI, J.)