



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

WRIT PETITION NO. 3872 OF 2025

Shivaji Gangadhar Bhapkar

.. Petitioner

Versus

Subhash Babasaheb Bhapkar

.. Respondent

Mr. Dnyaneshwar A. Bide, Advocate for the Petitioner.

CORAM : KISHORE C. SANT, J.

DATED : 26th MARCH, 2025.

P. C. :-

. Heard learned advocate for the petitioner.

2. The petitioner has challenged the order passed by the learned 2nd Joint Civil Judge Senior Division, Ahmednagar dated 16.01.2025 rejecting the application of the petitioner – original defendant for appointment of Commissioner. It is stated in the application that, the evidence is over. The suit is at the stage of final hearing. At this stage the application is filed. It is stated in the application that, the defendant is in possession of the suit property. He has taken crops in the land. It is only because of excessive rain in the year 2024 he could not take the crop and the suit property as on today is fallen land. It is therefore necessary to bring on record the said position. He also wants

to show that there is no separate land as per the so called sale deed relied upon by the plaintiff. Further averment in the application shows that the petitioner wants to bring on record boundaries of the land and also the crop taken in the land. The learned Trial Judge observed that, this is only for collecting evidence and to find out as to who is in possession and the application came to be rejected.

3. On hearing the learned advocate and going through the order this Court does not find any case made out to show that the order is perverse or illegal. No case is made out calling for interference at the hands of this Court. The petition, therefore, stands dismissed. No order as to costs.

(KISHORE C. SANT, J.)

P.S.B.