



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8110 OF 2014

Shankar Tukaram NimbhorePetitioner

VERSUS

Natha Nivrutti Nimbhore & othersRespondents

Mr. S. S. Jadhavar and Mr. A. D. Ostwal, Advocates for the Petitioner.
Mr. V. A. Babras, Advocate for Petitioner.
Mr. Y. V. Kakade, Advocate holding for Mr. N. V. Gaware, Advocate for
Respondent Nos. 1, 2, 6 and 7.

CORAM : R. M. JOSHI, J.

DATE : 19th AUGUST, 2025.

PER COURT :

1. Since learned counsel Mr. Babras appears on behalf of the Petitioner, appearance of other counsel appearing for Petitioner stands discharged.
2. By consent of both sides, heard finally at the stage of admission.
3. This Petition takes exception to the order passed by the Trial Court below Exhibit 34 seeking appointment of Court Commissioner to measure the suit property.

4. Plaintiff filed suit for injunction against the Defendants. Defendants filed written statement denying the contentions of Plaintiff and specifically making submission with regard to the properties being not partitioned and jointly held by Plaintiff and Defendants.

5. Perusal of the plaint as well as written statement does not indicate that any specific issue has been raised by the parties with regard to measurement of the property nor dispute of boundaries is raised. In such circumstances, the Trial Court is justified in rejecting the Application for appointment of Court Commissioner to measure the suit property.

6. In the facts of the case, no perversity is found in the impugned order to cause interference therein. Hence, Petition is dismissed.

7. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb