



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

925 WRIT PETITION NO. 13470 OF 2025

VINAYAK BHARAT PAWAR

VERSUS

VIDYA KAILAS SATHE

...  
Advocate for the Petitioner : Mr. Sushant Baburao Choudhari  
...

CORAM : ARUN R. PEDNEKER, J.

Dated : November 12, 2025

**PER COURT :-**

1. Heard the learned counsel for the petitioner/plaintiff.
2. The application filed by the petitioner under Order 26 Rule 9 of C.P.C. for appointment of Court Commissioner has been rejected by the Trial Court.
3. The learned counsel for the petitioner submits that petitioner and respondent are adjacent land owners and in view of the boundary dispute raised, it is necessary to measure and demarcate the lands of the petitioner and respondent. The trial Court has rejected the application by observing that there are no boundary dispute between the plaintiff and the defendant as the boundaries of the land of the plaintiff and defendant are not adjacent to each other.
4. The suit is filed for simplicitor injunction and defendant has denied the ownership and as such injunction claim is based on the possession and the issue of possession cannot be decided by the Court Commissioner and the same has to be established by the petitioner by leading the evidence in a suit at appropriate stage. However, if any issue is raised in which assistance of the Court Commissioner is necessary after leading the

evidence, the petitioner may file such application at appropriate stage. If such an application is filed, the trial Court would decide the same in accordance with law. The writ petition is dismissed accordingly.

( ARUN R. PEDNEKER, J. )

ssc/