



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

49 WRIT PETITION NO. 1671 OF 2025

RADHABAI PANDURANG HONMANE
VERSUS
ATMARAM PARASRAM SHERKAR AND OTHERS

Mr.V.P. Savant, Advocate for the petitioner.

CORAM : KISHORE C. SANT, J.
DATE : 10.02.2025

PC :-

01. Heard learned Advocate for the petitioner-original plaintiff. In a suit bearing RCS No. 481 of 2019 pending in the Court of learned Joint Civil Judge, Junior Division, Georai, already Court Commissioner was appointed. The Court Commissioner also filed his report on record. The plaintiff, however, thereafter filed an application disagreeing with the earlier report and filed fresh application for seeking appointment of the Court Commissioner to carry out measurement again. The learned Trial Judge by way of the impugned order rejected the application. The Trial Court recorded that there is no proper reason given in the application. The parties are always at liberty to cross-examine the Commissioner. Till now the Commissioner is not examined and report is not proved.

02. After hearing learned Advocate for the petitioner, this Court finds that no case is made out to allow this Writ Petition. The petitioner is always at liberty to file an application at appropriate stage. In this case, this Court finds that application was filed without assigning any reason and even when Court Commissioner is not yet examined. This Court is not inclined to allow this petition.

03. This Writ Petition is accordingly dismissed with no order as to costs.

[KISHORE C. SANT, J.]