



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO. 2134 OF 2025

Ambadas Madhavrao Narwade Through His POA Aldeep Ambadas
Narwade
VERSUS
Subhash Madhavrao Narwade Died Through Lrs Shantabai Subhash
Narwade And Others

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Mr.Nitin Trimbak Tribhuwan, Advocate for the Petitioner

CORAM : KISHORE C. SANT, J.

DATE : 25th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. By way of this writ petition, the petitioner has challenged an order dated 19th June 2024 passed by the learned 8th Joint Civil Judge, Junior Division, Aurangabad in Application below Exh.18 in RCS No.36 of 2020. The application of the petitioner seeking an appointment of commissioner came to be rejected by the learned trial Judge. The petitioner is the original plaintiff. He had filed an application at the stage of deciding Exh.5 application. The learned trial Judge observed

that the plaintiff has yet not given his evidence.

3. The learned Advocate for the petitioner submits that while rejecting the application, the learned Court has not given proper reason. The ownership of the petitioner is not disputed. The question is only of the measurement and the area of the property. The learned Court ought to have considered that the commissioner's appointment was sought for the measurement and the area in possession and not in the ownership of the petitioner. However, this Court finds that the application was at pre-mature stage and, therefore, this Court is not inclined to entertain the petition. Petition therefore stands dismissed. The plaintiff-petitioner is at liberty to apply afresh. If case is made out, the Court may consider the same at appropriate stage.

4. With this, Writ Petition stands disposed off.

[KISHORE C. SANT, J.]