

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9082 OF 2022

Sanjay Govind Gavkar & Ors.

... Petitioners

V/s.

Yogita Anil Vibhute & Ors.

... Respondents

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Ms. Nikita Kamble h/f Mr. Suresh Madhukar Kamble
for petitioners.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 9, 2025

P.C.:

1. The petitioner is challenging an order passed by the Trial Court rejecting petitioners' application for appointment of the Court Commissioner in exercise of power under Order 26, Rule 9 of the Code of Civil Procedure, 1908.

2. On perusal of the plaint, it appears that, no case regarding either encroachment or boundary dispute has been made out by the petitioners; therefore, the Trial Court has justified in rejecting the application. Hence, no interference is called for, the writ petition stands dismissed.

(AMIT BORKAR, J.)