

R. Dilwale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.19150 OF 2024

Vijay Raghunath Mahadik

.....Petitioner

Vs.

Eknath Vasant Mahadik & ors.

.....Respondents

Mr. Rupesh k. Bobade with Ms. Shradha Nakadi, Advocates for the petitioner.

CORAM : GAURI GODSE, J.

DATE : 16th JUNE 2025

ORDER:

1. This petition is filed by the defendant to challenge the order rejecting the application for the appointment of a Court Commissioner. The Court Commissioner's map from the joint survey is already on record. The impugned order is in an interlocutory order and it is open for the petitioner to challenge the same under Section 105 of the Code of Civil Procedure 1908 ("CPC"), in an appeal, if the final decree is against the petitioner.

2. Hence, I do not see any reason to invoke the power under Article 227 of the Constitution of India to interfere with the impugned order.

3. By keeping the liberty of the petitioner open under Section 105 of the CPC, writ petition is disposed of.

[GAURI GODSE, J.]