

Jvs.

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

WRIT PETITION NO. 17282 OF 2024

Muzaffar Ahmed Mohammad Esak	}	
Mulla & Ors.	}	Petitioners
versus		
Kasim Yunus Mulla & Ors.	}	Respondents

Mr. Vivek V. Salunkhe for petitioners.

Mr. Saeed Kadu for respondents 1 & 2.

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by JAYANT
VISHWANATH
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CORAM: ALOK ARADHE, C. J.

DATE: JULY 9, 2025

ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioner has assailed the validity of the order dated 2nd May 2024 passed by the Trial Court, by which, application preferred by the respondents under Order XXVI Rule 9 of the Code of Civil Procedure, 1908 (CPC) has been allowed and the Commissioner has been appointed to inspect the plot and to demarcate the same.

2. I have heard learned counsel for the parties at length.

3. The impugned order does not suffer from any jurisdictional infirmity as the same is allowed to stand, it will not cause any failure of justice as the petitioner will have an opportunity to cross-examine the Commissioner. It is common ground that in pursuance of the impugned order dated 2nd May 2024, the

Commissioner was appointed, who carried out the inspection and has already submitted an inspection report. Therefore, at this point of time, in the absence of any jurisdictional infirmity in the impugned order, no case for interference in exercise of jurisdiction under Article 227 of the Constitution of India is made out.

4. In the result, the writ petition fails, which is hereby dismissed.

(CHIEF JUSTICE)