



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1447 of 2025

[Shri Radheshyam s/o Shankarlal Agrawal and ors. ..vs.. Shri Sitaram
s/o Shankar Gumgaonkar and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Gopal Sawal, Advocate for the petitioners
Mr. D. T. Shinde, Advocate for the respondent no. 1 on caveat

CORAM : ANIL L. PANSARE J.

DATED : 19-03-2025

Heard.

2. The challenge is to order dated 21-12-2024 passed below Exhibit 228 by 7th Joint Civil Judge Senior Division, Nagpur in Special Civil Suit No. 721/2012.

3. The petitioners – original defendant nos. 7 to 11 filed application before the trial Court under Order 26 Rule 9 of the Code of Civil Procedure, 1908 (for short 'the Code') for appointment of Court Commissioner. It was the case of the petitioners, as could be found from paragraph no. 17 of the impugned order, that to resolve the real controversy between the parties, it is necessary to appoint Officer of City Survey Department, Nagpur as Court Commissioner for the purpose of comparing sale deed dated 3-4-1918 with Will dated 26-11-1984 to ascertain the description of the property.

4. To my mind, this is not the scope for appointment of commission in terms of Order 26 Rule 9 of the Code, which is meant for local investigation. The trial Court, therefore, has rightly rejected the request so made for appointment of commission. The petition is dismissed *in limini*.

(Anil L. Pansare, J.)