



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

97 WRIT PETITION NO. 2472 OF 2026

Manojkumar Sureshchandra Ramayya

VERSUS

Rajaram Balaprasad Sarda And Others

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Advocate for Petitioner : Mr. U.B. Bilolikar

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 09, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 1.11.2025 passed by learned Civil Judge J.D. Dharmabad, below Exhibit-35 in R.C.S. No.64 of 2018, whereby application filed by respondent/defendant is allowed and District Superintendent of the Land Records is appointed as Court Commissioner.

2. Mr. Bilolikar, learned advocate appearing for petitioner submits that already there are two maps by the same authority in respect of measurement of suit property. In this backdrop, there was no reason to appoint Court Commissioner and burden petitioner with costs for such measurement. Perusal of record indicates that there are two measurement maps/copies on record. First is map prepared in pursuance to the order passed in RCS No.89 of 2014. Second map is filed by plaintiff

on the basis of measurement carried out by him through the TILR. The Trial Court finds that there is inconsistency in maps. As such, there is no admitted reliable map on record by which definite conclusion as to fixation of boundaries can be drawn. Therefore, to reach a definite conclusion, it is necessary that joint measurement map is on record, by which the Court can proceed to pass final order.

3. In the present case, Trial Court has appointed D.S.L.R., who is higher authority and would be in position to place on record correct position of disputed boundaries.

4. In that view of the matter, this Court finds that Trial Court has rightly exercised jurisdiction under Order 26 Rule 9 of the Civil Procedure Code.

5. It is trite that, in case of appointment of Court Commissioner, costs of such commission shall be costs in cause and therefore ultimately trial court will have to pass appropriate order in favour of successful party as regards to the costs of commission. In result, Writ petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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