

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.217 OF 2018
WITH
SECOND APPEAL NO.216 OF 2018
WITH
SECOND APPEAL NO.537 OF 2018
WITH
INTERIM APPLICATION NO.7587 OF 2024
WITH
INTERIM APPLICATION NO.7585 OF 2024
WITH
CIVIL APPLICATION NO.538 OF 2018**

Shri. Balkrishna Sripad SardesaiAppellant

Vs.

Shri. Narayan Sripad SardesaiRespondent

Dr. Nilesh Pawaskar with Mr. Rahul S. Rane, for the Appellant.
Mr. Drupad S. Patil with Mr. Rugwed Kinkar, for the Respondent 1A
and 1B.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 20th FEBRUARY 2026

PC.:-

IA.NO.7587 OF 2024 and IA. NO.7585 OF 2024:

1. The Applicants, who are the Appellants in the present case,
have filed these Applications seeking appointment of a Court

Commissioner. The dispute between the parties is between two brothers owning agricultural lands adjoining each other. The dispute pertains to a well, which, as per the Court Commissioner's report submitted before the Trial Court, is situated in the field of the Appellants.

2. Although the Commissioner's report indicates that the well is situated in the Appellants' field, the Trial Court discarded the said report. Both parties had filed suits seeking to restrain each other from disturbing the use of water from the well. The suit filed by the Respondent was decreed by the Trial Court. The Respondent challenged both orders before the Appellate Court, which confirmed the order passed by the Trial Court. Consequently, the Appellants have approached this Court.

3. By way of an interim arrangement, both parties are presently using water from the well. The Respondent disputes the Commissioner's report stating that the well is situated in the Appellants' field. As the earlier Commissioner's report is disputed and has been discarded by both the Trial Court and the Appellate Court, the Appellants have filed the present Applications seeking

appointment of a Court Commissioner afresh to clarify the factual position.

4. The Applications are **allowed**.

5. The Taluka Inspector of Land Records is appointed as the Court Commissioner. The Commissioner shall submit the report within a period of three weeks from today. While preparing the report, the Commissioner shall consider the earlier maps as well as the title documents of both the parties.

(MRS. VRUSHALI V. JOSHI, J.)