

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4643 OF 2026

Anand Prakash Anand ..Petitioner
Versus
Maharashtra Industrial Development Corporation ...Respondents
and Ors

Mr. Prakash Dhopatkar, with Smita Mhatre, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATE : 9th JUNE 2026

P.C.:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 11th December 2025 passed by the learned Civil Judge, Senior Division, Thane, whereby an Application preferred by the Petitioner-Plaintiff to appoint the Court Commissioner to ascertain as to who is in the occupation of the suit property and carrying on business therein, came to be rejected.
3. The learned Civil Judge was of the view, and rightly so, that the Court Commissioner cannot be appointed to collect evidence in support of a party's claim. If the Plaintiff claims that two persons are in the illegal occupation of the suit property, it is for the Plaintiff to adduce independent evidence to establish the said fact.

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4. The Petition thus stands disposed with liberty to the Petitioner-Plaintiff to adduce evidence in support of his claim that two persons are in illegal occupation of the suit property.

5. Petition disposed.

[N. J. JAMADAR, J.]