

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5576 OF 2016

Babaji Devaka Walunj ... Petitioner
Vs.
Pandurang Jijaba Walunj ... Respondent

Mr. L.B. Palod, Advocate for the petitioner.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27-06-2016.

Per Court :

1. Heard learned counsel for the petitioner.
2. After hearing the learned counsel, he resides to a situation that if an opportunity is allowed to the petitioner after the issues have been framed as has been observed by learned the single judge in the decision dated 08-12-2014 in writ petition no. 4756 of 2014, to a large extent his request stands satisfied. In his submission, the observations as are appearing in paragraph no. 7 of the impugned order tantamounts to foreclosure of such an opportunity being made available to him at the proper stage.
3. Having regard to aforesaid submissions which appear to be reasonable, and the observations as appearing in paragraph no. 7 of impugned order do not appear to take away from petitioners

such an opportunity to make a request for appointment of court commissioner at a proper subsequent stage as has been referred to in the writ petition. The present application for appointment of commissioner being premature appears to have been rightly decided. No indulgence is caused for. Writ petition stands rejected with aforesaid observation.

(SUNIL P. DESHMUKH)
JUDGE