

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

921 WRIT PETITION NO. 7943 OF 2015

SANJIVANI PRADIP BANGAR AND OTHERS
VERSUS
JANABAI RAMKISAN KARAD AND OTHERS

Shri. Yuvraj V. Kakade, Advocate, for petitioners.

Shri. W.B. Patekar, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 15 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Civil Judge Junior Division Shevgaon on Exhibit 149 in Regular Civil Suit No.206/2006. Heard both the sides.

2) The aforesaid application was filed by the present petitioners, defendants of the suit for permission to examine the Court Commissioner who had filed report in Regular Civil Suit No.173/2008. The said suit was filed against the present petitioners by other party for similar

relief. In the said suit Court Commissioner was appointed by the Court. Admittedly, present plaintiff was not party to the said suit. In view of this, the trial Court has rejected the application.

3) On the other hand, in the present matter Court Commissioner was already appointed and the report of the Court Commissioner is admitted by the present petitioners. This is also the reason given by the Court for rejecting the application. In any case report of the Court Commissioner filed in other suit could not have been used against the plaintiff of the present matter in view of nature of work which is assigned to the Court Commissioner and the purpose behind it. This Court holds that no error is committed by the trial Court in rejecting the application. The writ petition is dismissed.

Sd/-
(T.V. NALAWADE, J.)

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