

ORAL ORDER :

(2)

injunction.

2. Though learned Counsel for the respondent has tried to impress upon the Court that in the peculiar facts of the present case, the appointment order of the Court Commissioner was justified. However, this Court cannot lost sight of the fact that such order, at this stage, cannot be permitted to govern the proceedings between the parties, particularly for collection of evidence.

3. In view of above, the order impugned, in my opinion, is contrary to the scheme of Section 75 and Order 26 Rule 9 of the Code of Civil Procedure. As such, the impugned order dated 10th March, 2016 is hereby quashed and set aside. The application at Exhibit-18 in Regular Civil Suit No.113 of 2015 is hereby rejected, however, the respondent is not precluded from taking out such proceedings at appropriate stage in the suit.

(**NITIN W. SAMBRE, J.**)