

1. Heard learned counsel for the parties.
2. Application for appointment of court commissioner upon which impugned order has been passed rejecting the request is apparently at premature stage as issues have not yet been framed.
3. Observations of this court dated 19th January, 2015 in writ petition no. 234 of 2015, which in turn refers to earlier

decision of this court as well as of the Supreme Court, wherein this court has considered as under-

“ 9. Since the scheme of Section 75 (b) r/w Order 26 Rule 9 of the Code of Civil Procedure is aimed at elucidating information through local inspection in order to assist the Trial Court in resolving the real controversy at issue, this Court has laid down the law as referred above that such an application for appointment of the Court Commissioner can be filed after commencement of the recording of evidence. It is not disputed that the recording of evidence is yet to commence” may have to be given regard to.

4. Petitioner is at liberty to lodge appropriate application with request for appointment of court commissioner at an appropriate stage, and the same be considered on merits without getting influenced by impugned order.

5. With aforesaid observations, writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]