

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 495 OF 2016

SANTOSH PUNDALIK KURKURE
VERSUS
VARSHA DEEPAK CHAUDHARI AND OTHERS

...
Advocate for Petitioner : Mr.Gamot Praveen B.
Mr.Patil Swapnil S., Adv., for R/1 to 3.

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CORAM : P.R. BORA, J.
Dated: April 07, 2017

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PER COURT :-

1. Heard. Perused the impugned order.
2. The application filed by the present petitioner, who is original plaintiff in Regular Civil Suit, seeking appointment of Commissioner, has been rejected by the trial Court, without assigning any reasons on merits. The order appears to be cryptic. Such an order cannot be sustained. I, therefore, find it appropriate to set aside the said order and direct the learned Civil Judge to decide the said application by giving due opportunity to the parties and by giving appropriate reasons therefor.
2. It is clarified that this Court has not expressed any opinion as regards to the contentions raised in the application as well as in oppose of the said application. Learned trial Judge shall decide the application on its own merits.

The Writ Petition stands disposed of in above terms.

(P.R. BORA, J.)

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agp/-