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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 283 OF 2017
WITH
CIVIL APPLICATION NO.189 OF 2017
IN
CIVIL REVISION APPLICATION NO.283 OF 2017

Karan Luthra	...Applicant
VS	
Ajit Sagun Naik & Ors.	...Respondents.

.....
Mr Lobo Glenn Anthony for the Applicant.
Mr Hemant Dhadigaonkar for Respondent No.1.
.....

CORAM : **B.P.COLABAWALLA J.**
JUNE 06, 2017.

P.C.:

Though the matter was shown on board for circulation, by consent of parties the matter was heard and taken up for admission.

2 This Civil Revision Application is filed challenging the orders dated 17 September, 2016 and 24 November 2016, passed by the Ad-hoc District Judge of City Civil Court at Dindoshi. By the order dated 17 September, 2016, the Trial Court appointed a Court Commissioner to record the cross-examination of P.W.1 by the advocate for the Defendant. By the second order dated 24 November, 2016, the order dated 17

September, 2016 was clarified and the Registry was directed to appoint a panel advocate as a Court Commissioner to conduct the cross-examination of the Plaintiff.

3 The only grievance made by the learned Advocate appearing for the applicant is that he was not heard before the order that was passed on 17 September, 2016, and therefore, both the orders ought to be set aside.

4 I find no merit in this contention whatsoever. First of all, whether to appoint the Court Commissioner to record the evidence and conducting the cross-examination is entirely at the discretion of the Court. Learned advocate appearing on behalf of the applicant is unable to establish or even indicate any perversity in these orders requiring my interference. That apart, in the order dated 24 November, 2016, the Trial Court has itself recorded that on 17 September, 2016, not only was the reply filed by the applicant herein, but the advocate for the applicant was also heard.

5 Looking to these facts, I find that there is absolutely no merit in this Civil Revision Application and the same is hereby dismissed. In view of dismissal of CRA, nothing survives in the Civil Application and the same is also dismissed.

(B.P.COLABAWALLA, J.)