

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6553 OF 2014

Dashrath s/o Narsingh Kawade
& another

Petitioners

Versus

Dropadibai Vitthal Chaudhary
& others

Respondents

Mr. V.S. Undre, advocate for petitioners.
Mr. Mr. S.Y. Mahajan, A.G.P. for respondents.

CORAM : R.M.BORDE, J.

DATE : 26th MARCH, 2018

PER COURT:

1 Application presented at interlocutory stage claiming appointment of Court Commissioner for measuring the suit property has been turned down by the trial Court.

2. The application was presented at initial stage and before framing of issues. If after framing of issues, plaintiffs make out a case for appointment of Court Commissioner, they may tender appropriate application and the Court may consider the same after extending an opportunity of hearing to the other side. At this stage of the proceeding, there is no need to make appointment of Court Commissioner and the impugned order does not appear to be erroneous.

3. At an appropriate stage, if petitioners make out a case and tender application, the trial Court may consider the same and, the

order passed at Exh. 28 in Regular Civil Suit No. 218/2013 may not be an impediment for consideration of such an application.

4. With liberty as aforesaid, writ petition is disposed of.

R.M.BORDE
JUDGE

dyb