IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9485 OF 2018

SANJAY RAMBHAU BUCHKUL AND ANOTHER
VERSUS
HIMMAT GANPAT BUCHKUL AND OTHERS
...
Advocate for Petitioners : Shri Palod L.B.
...
CORAM : RAVINDRA V. GHUGE, J.
Dated: August 20, 2018
...

PER COURT :-

1. The petitioners / plaintiffs is aggrieved by the impugned order dated 3.1.2018, by which, the trial Court has rejected application Exhibit 22, seeking appointment of the Court Commissioner in RCS No.398 of 2015.

2. I have heard the learned Advocate for the petitioners.

3. Admittedly application Exhibit 22 was filed before commencement of the recording of oral evidence. In series of orders / judgments passed by this Court, it is held that a Court Commissioner should not be appointed before the recording of oral evidence has concluded.

4. Learned Advocate for the petitioners, therefore, submits that liberty to prefer a fresh application for appointment of Court Commissioner after the recording of oral evidence has concluded may be granted and this petition may be disposed off.

5. Considering the above, this petition is disposed off. After the recording of oral evidence is concluded, if either of the litigating sides desire to seek appointment of a Court Commissioner, they may file an application which shall be considered by the trial Court on its own merits.

(RAVINDRA V. GHUGE, J.)

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