

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

WRIT PETITION (ST.) NO.26345 OF 2018

Pandurang Tatoba Kamble

.. Petitioner

Vs.

Nanasaheb Bahusaheb Patil & Ors.

.. Respondents

Mr.V.V. Sangalikaar i/by Mr.Yogesh P. Morbale for the petitioner.
None for the respondents.

CORAM : R.D. DHANUKA, J.

DATE : 26th October 2018

P.C.:

. Matter is mentioned not on board.

2. Learned counsel for the petitioner states that the petitioner has impugned the order dated 1st August 2018 passed by the learned Civil Judge, Junior Division, Islampur below Exhibit 151 thereby rejecting the application filed by the petitioner for appointment of Deputy Director of Land Record, Pune as a Court Commissioner. Suit for injunction was filed by the petitioner (original plaintiff). He submits that the arguments in a suit has already been commenced. Statement is accepted.

3. In view of this situation, I am not inclined to interfere with the impugned order dated 1st August 2018 passed by the learned Civil Judge, Junior Division, Islampur at this stage. The petitioner can raise this as one of the ground under Section 105 of the Code of Civil Procedure, 1908 along with final judgment and decree if the same is

adverse against the petitioner. It is made clear that this Court has not expressed any views on merits of the matter. All the contentions of the parties are kept open. The petitioner is directed to convey this order to the respondents as well as the learned trial Judge for record and compliance. Writ petition is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.