

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 WRIT PETITION NO.4395 OF 2018

WAMAN LIMBAJI MALI
VERSUS
BALAJI GOVIND MALI AND OTHERS

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Advocate for Petitioner : Mr. B.R.Waramaa
Advocate for Respondent No.1 : Mr.Manale Satish S.
Advocate for Respdt. No.4 : Mr. Dhongade Madhukar V.

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CORAM : M.S.KARNIK, J.

Dated: August 13, 2019

PER COURT :-

Heard the learned counsel for the petitioner. This petition challenges the order dated 6.2.2018, passed by the the Civil Judge, Junior Division, Ausa, District Latur, rejecting application moved by the defendant No. 1 for appointment of the Court Commissioner.

2. Earlier on an application made by the Respondent/Original Plaintiff, the Trial Court had appointed the Court Commissioner and the Court Commissioner has already filed his report. Presently the evidence of the parties is being recorded.

3. This Court has time and again held that the Court Commissioner should not be appointed before recording of the evidence. In any case, the Trial Court had allowed the application made by the plaintiff for appointment of the Court Commissioner, for even his report has been filed.

4. Now, the evidence is being recorded. Keeping liberty of the petitioner open to file an application for appointment of the Court Commissioner, if necessary, after the recording of evidence is completed, the present petition is disposed of. The order of the trial Court does not warrant any interference. The petition stands rejected.

(M.S.KARNIK)
JUDGE

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