

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

**WRIT PETITION NO. 5223 OF 2019**

**MINAKSHI BABASAHEB CHATE AND OTHERS  
VERSUS  
SARJERAO BHANUDAS AALNE AND OTHERS**

...

Advocate for the Petitioners : Shri S. R. Shirsat  
Advocate for Respondent Nos. 1 to 3 : Shri B. S. Kudale

...

**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 04<sup>th</sup> JUNE, 2019.**

...

***PER COURT :***

1. This matter heard for some time. The learned Advocate for the petitioners sought a pass over.
2. After this matter was called out post lunch, the learned Advocate for the petitioners submitted that his right to file an application under Order XXVI Rule 9 of the Code of Civil Procedure for appointment of a court commissioner be maintained after the recording of oral evidence is concluded and this petition can be disposed off.
3. In view of the above, this petition is disposed off.

Needless to state, in the event any of the litigating sides desire to seek appointment of a court commissioner after the recording of oral evidence is concluded, the Trial Court would consider such an application on its own merits and without being influenced by the impugned order dated 01/03/2018 passed below Exhibit 52.

**(RAVINDRA V. GHUGE, J.)**

shp/-