

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10596 OF 2019

ALLIANCE ELEVATOR CO PVT LTD THROUGH ITS DIRECTOR AND
ANOTHER
VERSUS
SUPREME INDUSTRIES LIMITED THROUGH ITS MANAGER

Mr.R.B.Temak, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 27/08/2019

PER COURT :

1. The petitioners are aggrieved by the order dated 26/03/2019 passed by the Trial Court, by which application Exh.31 filed by the petitioners/defendant Nos. 1 and 2 seeking appointment of a Court Commissioner in Spl.Civil Suit No.118/2017, has been rejected.

2. It is conceded that the recording of oral evidence in the suit has not commenced. This Court has consistently held that a Court Commissioner should not be appointed until the recording of oral evidence is concluded. Some of the orders passed by this Court are as under :-

(1) Syed Mushtaque Ahmad Syed Ismail and others Vs. Syed Ashique Ali Khan Hatdar [2011 (6) Mh.L.J. 334 = 212 (2) Bom.

C.R. 790],

(2) *Nalubai Shinde and others Vs. Gopinath Shinde* [2011(2) Mh.L.J.991],

(3) *Dnyandeo Vithal Salke and others vs. Dagdu Kadar Inamdar*, 2017 (3) Mh.L.J. 314.

(4) *Chandrakant Kashinath Dike and others vs. Smt.Satyabhama Vishwanath Dike and another*, Writ Petition No.8877/2013 (Aurangabad Bench) decided on 17.01.2014.

(5) *Dhondiba Bapu Zaware vs. Santosh Paraji Zaware and others*, Writ Petition No.4756/2014 (Aurangabad Bench) decided on 08.12.2014.

(6) *Dipak Laxman Gadekar and anr. Vs. Trimbak Ravji Shirsath*, Writ Petition No. 11593/2015 (Aurangabad Bench), decided on 23/08/2017,

(7) *Mahadeo s/o Vaijanath Bembalge Vs. Chandrakala w/o Ramesh Athane*, Writ Petition No. 832/2018 (Aurangabad Bench), decided on 04/06/2018,

(8) *Dhondiram Nivrutti Pawar through L.Rs. Vs. Laxman Khashaba Pawar and others*, Writ Petition No. 1196/2017, (Bombay Bench), decided on 23/01/2018,

(9) *Sanjay Balasaheb Khandare Vs. Vivek Surinder Mahajan and another*, Writ Petition No. 4958/2018,(Aurangabad Bench), decided on 29/01/2018.

3. In view of the above, this petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)