

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

WRIT PETITION NO.42 OF 2017

Suresh Narayan Sutar and Anr. ... Petitioners
Vs.
India Telecom Infra Ltd. and Ors. ... Respondents

.....

Mr. Vishwajeet S. Kapse for the Petitioners.
Mr. Sumit S. Kothari for the Respondent No.2.

.....

CORAM : M. S. KARNIK, J.

DATE : 29th AUGUST, 2019.

P. C.:

1. Heard learned counsel for the petitioners.

2. By this petition the petitioner is challenging the order dated 20.2.2016 passed by the Trial Court rejecting the application for appointment of Court Commissioner. The application below Exhibit 87 was filed by the petitioner-original plaintiff even before the recording of evidence was complete. I see no reason to interfere with the order passed by the Trial Court. However after the recording of the evidence the plaintiff will always at a liberty to file an appropriate application for appointment of Court Commissioner which may considered by

the Trial Court on its own merits and in accordance with law without being influenced by any of the observations made in the impugned order.

3. The Petition is disposed of.

(M. S. KARNIK, J.)