

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

WRIT PETITION NO.4330 OF 2017

Mr. Dashrath B. Jadhav ... Petitioner
Vs
Mr. Kisan B. Jadhav and Ors. ... Respondents

...
Mr. S.C.Wakankar for the Petitioner.
Mr. Nilesh M. Wable for the Respondent Nos.1 to 8.

CORAM : SANDEEP K. SHINDE J.

DATE : AUGUST 7, 2019

P.C. :

Not on board. Taken on board.

Heard learned counsel for the petitioner.

2 Plaintiff had applied for appointment of Court Commissioner under Order 26 Rule 9 of the Code of Civil Procedure, 1908. The Trial Court rejected the said application on 7th October, 2016 against which this Writ Petition is preferred under Article 227 of the Constitution of India.

3 Heard both the sides.

4 The learned counsel for the respondents submits that suit is posted for final arguments.

5 That even otherwise impugned order being interlocutory in nature, petitioner may take objection to error or irregularity of the impugned order in the memorandum of appeal filed from the original decree, if the impugned order has affected the decision of the case in terms of Section 105 of the Code of Civil Procedure, 1908.

6 In view of the liberty, petition is dismissed with no order as to costs.

(SANDEEP K. SHINDE, J.)