

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

WRIT PETITION NO.9361 OF 2017

Shakuntala Narayan Fasale ... Petitioner
Vs.
Hiraman Karbhari Jhalte and Ors. ... Respondents
.....
Mr. Amol Wagh I/b. Mr. Sagar Kasar for the Petitioner.
.....

CORAM : M. S. KARNIK, J.

DATE : 16th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioner.
2. The petitioner is challenging an order passed below Exhibit 6 rejecting the application for appointment of T.I.L.R. as Court Commissioner. The Trial Court has observed that the Court Commissioner can not be appointed for collecting evidence. As the evidence is yet to be recorded, the petitioner is granted liberty to make an appropriate application for appointment of the Court Commissioner if necessary after the recording of evidence. If such an application is made by the petitioner, the same shall be considered by the Trial Court on its own merits without being influenced by the observations made in the impugned order.

3. Subject to above observations, the petition is rejected.

(M. S. KARNIK, J.)