

Bhimrao Mahadev Kumbhar and Ors. .. Petitioners

Versus

Shrimanti Babu Kumbhar and Ors. .. Respondents

Mr. D.V. Sutar for petitioners.

CORAM : K.K. TATED, J.
DATE : 05 MARCH 2019.

P.C:-

Heard learned Counsel for the petitioners.

2. By this writ petition under Article 227 of the Constitution of India, petitioners/original plaintiffs are challenging the order dated 27.07.2018 passed by Civil Judge, Junior Division, Kurundwad rejecting petitioner's application under Order 26 Rule 9 of Civil Procedure Code, 1908 for appointment of Court Commissioner for local investigation.

3. Considering the submissions made by learned Counsel for the petitioners, impugned order and as the Regular Civil Suit No.37 of 2010 is pending for hearing on its own merits, I do not find any reason to entertain the present writ petition.

4. At the most, liberty granted to the petitioner to raise the same issue in appeal, if any, filed by them against final order passed by the trial Court in Regular Civil Suit No.37 of 2010.

5. Writ petition stands disposed of accordingly with liberty as stated above.

6. No order as to costs.

(K.K. TATED, J.)