

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

904. WRIT PETITION NO. 259 OF 2020

Bapusaheb Kashinath Late (died)
through legal representatives and others ...Petitioners

VERSUS

Shaikh Rashid Sultan ...Respondent

Mr. S.P. Salgar, Adv., h/f. Mr. N.V. Gaware, Adv. for petitioners

CORAM : ROHIT B. DEO, J.

DATE : 9th January, 2020

PER COURT :

1. By the order impugned, the Trial Court has rejected the prayer for appointment of the Court Commissioner to measure the suit property.

2. In paragraph No. 9 of the order impugned, the Trial Court observes that if the application for appointment of Court Commissioner is preferred after the conclusion of evidence, such application would be considered.

3. Even de hors the such observation, in my view, the plaintiffs would be entitled to seek appointment of the Court Commissioner after the conclusion of the evidence and if such application is moved, the same shall be decided by the Trial Court on its own merits and in accordance with law.

4. Subject to the observations supra and the liberty granted to the petitioners, the petition is disposed of.

**(ROHIT B. DEO)
JUDGE**

Madkar