

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

22. WRIT PETITION No. 548 / 2020

Mohan Narayan Kumatkar and others ... Petitioners

VERSUS

Bhanudas Santu Kumatkar and others ... Respondents

Mr. Niteen W. Gaware, Advocate for petitioners

CORAM : ROHIT B. DEO, J.

DATE : 15th January, 2020

PER COURT :

1. The petitioners-plaintiffs are aggrieved by the rejection of the application seeking appointment of Court Commissioner under Order XXVI Rule 9 of the Civil Procedure Code.

2. I note that the application is moved even before the commencement of the evidence,,

3. At this stage, I am not inclined to make any definite observation on the submissions canvassed by the learned Counsel for the petitioners since, in my view, such an application can be moved after conclusion of the evidence.

4. In this view of the matter, the learned Counsel for the petitioners, on instructions, seeks leave to withdraw the petition with liberty to apply afresh for appointment of Court Commissioner after the conclusion of the evidence. If such an application is made, the Trial Court shall consider the same on its own merits and in accordance with law, without being influenced by any observation in this order.

5. The petition is disposed of as withdrawn, with liberty, as prayed for.

(ROHIT B. DEO)
JUDGE

Madkar