

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 WRIT PETITION NO.15291 OF 2019

PANDIT KONDIRAM NAIKWADI AND ANOTHER
VERSUS
KAKASAHEB KRUSHA MOTE

...
Advocate for Petitioners : Mr Kale Mahesh P.
Advocate for Respondent : Mr. S.V. Natu
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CORAM : V. K. JADHAV, J.
DATED : 02nd March, 2020

PER COURT :-

1. By consent, this writ petition can be disposed of.
2. Learned counsel for respondent – original plaintiff submits that the plaintiff may be granted liberty to file an application for appointment of Court Commissioner at the later stage. Learned counsel also seeks leave to file application for amendment. However, no such liberty is necessary since the plaintiff or the defendant as a case may be are always at liberty to file an application for amendment and it is for the Court to consider the same on its own merits.
3. In view of the above, the impugned order is hereby quashed and set aside with liberty to the respondent – plaintiff to file an application for appointment of Court Commissioner at the later stage and upon filing such an application, the trial

Court may consider the same on its own merits without influenced by this order.

4. The writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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