

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.2742 OF 2021

RAMNATH SKHARAM SINARE AND OTHERS
VERSUS
KISANBHAI MADHAB SINARE AND OTHERS

.....
Advocate for Petitioners : Mr. Anil S Bajaj
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CORAM : V. K. JADHAV, J.
DATED : 10th FEBRUARY, 2021

PER COURT:-

1. Heard.
2. Learned counsel for the petitioners, by referring the view taken by this Court (Coram: N.M. Jamdar, J.) in writ petition No. 10598 of 2016 on 18.12.2018, submits that the facts of the present case are also identical and since there are two wells, the plaintiff is suppressing material facts about the location, it is difficult to lead oral evidence about the electric connection obtained on the well unless the Court Commissioner is appointed for local inspection. Learned counsel however, submits that the suit is at initial stage of framing of issues.
3. In view of above, it is very early stage to file an application seeking appointment of Court Commissioner. This writ petition is thus disposed of by granting liberty to the petitioners to file an application for appointment of Court Commissioner after their

evidence is recorded.

4. Upon filing such application, the trial court shall decide the same on its own merits without prejudiced by its earlier order of rejection of the application seeking appointment of Court Commissioner.

5. With these observations, writ petition is disposed of.

(V. K. JADHAV, J.)

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