

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 896 OF 2019**

Shantabai Ramchandra Pawar Petitioner.
V/s
Swarupkumar Sampatrao Jankar
and Anr. Respondents.

Mr. Prabhanjan Gujar for the Petitioner.
Mr. Nikhil Wadikar i/b Nandu Pawar for Respondent No.1.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 9, 2021

P.C.:-

Application-Exhibit-35 taken out for appointment of Court Commissioner by the Respondent/Plaintiff came to be allowed vide impugned order dated 11/10/2018. Considering the fact that recording of evidence in the suit is yet to commence, Application-Exhibit-35 is not pressed. That being so, order impugned dated 11/10/2018 is hereby quashed and set aside. However, this will not preclude the Respondent/Plaintiff from moving fresh application under Order 26 Rule 9 of C.P.C. for appointment of Court Commissioner at the time of recording of evidence. Such application, if so moved, be decided in accordance with law without being influenced by this order.

(NITIN W. SAMBRE, J.)