

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

WRIT PETITION NO.3522 OF 2022

AJAY SHRIRANG KADAM
VERSUS
MAROTRAO BABARAO NALGE DECEASED THROUGH LRS
SHANTABAIMAROTRAO NALGE AND ANOTHER

...
Advocate for Petitioner : Mr. Bharat N. Gadegaonkar

...
CORAM : NITIN B. SURYAWANSHI, J.

DATE : 3rd October, 2022

PER COURT :-

1. Application for appointment of Court Commissioner filed by the petitioner is rejected, hence this petition.
2. Taking into consideration the fact that, application under Order XXVI Rule 9 of the Code of Civil Procedure is filed by petitioner and at a preliminary stage, even issues are yet to be framed and evidence is yet not recorded, this Court is not inclined to entertain the petition at this stage.
3. The writ petition is dismissed. However, liberty is granted to the petitioner to apply for appointment of Court Commissioner after the oral evidence is concluded. If such application is filed at that stage, Trial Court shall consider it on its own merits, without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI, J.]