

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12361 OF 2021

DILIP SAHEBRAO PATIL AND OTHERS
VERSUS
DEEPAK SUKDEV PATIL AND OTHERS

...

Advocate for Petitioners : Mr. Girish Wani

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st JULY, 2022

ORDER :

1. The petitioners are aggrieved by rejection of application filed under Order XXVI Rule 9 for appointment of court commissioner. Admittedly, said application was filed even before the decision of application Exhibit-5. The petitioners admit that after this rejection order, application Exhibit-5 is decided by the Trial Court.

2. After hearing the learned advocate for petitioners and after perusing the impugned order this Court is of the view that impugned order need not be interfered at this stage.

3. However, the petitioners are at liberty to move application for appointment of court commissioner after he leads evidence. At that point of time, the Trial Court shall consider said

application on its own merits and without being influenced by the order impugned in the present petition. With these observations, the writ petition is disposed of.

[NITIN B. SURYAWANSHI, J.]