

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

WRIT PETITION NO.9905 OF 2022

UDDHAV JAGANNATH SOLANKE AND ANOTHER
VERSUS
THE DISTRICT COLLECTOR AND OTHERS

...
Advocate for Petitioners : Mr. Kalyan S. Chavan
AGP for Respondents/State: Mr. S. B. Pulkundwar
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 26th September, 2022

PER COURT :-

1. Being aggrieved by the order dated 24/02/2022 passed by the learned Joint Civil Judge, Senior Division, Majalgaon, District Beed below Exhibit-60 in Regular Civil Suit No.283/2015, thereby rejecting the application filed by petitioners/original plaintiffs for appointment of Court Commissioner under Order 26 Rule 9 of the Code of Civil Procedure (for short 'CPC'), the present petition is filed.
2. Admittedly, oral evidence of the parties is not over. Only petitioners/original plaintiff's evidence is over. The defendants are yet to enter the witness box and lead their evidence.

3. In view of the consistent view of this Court that application seeking appointment of Court Commissioner is to be filed, after conclusion of oral evidence, this Court is not inclined to interfere in the impugned order.

4. The writ petition is, therefore, dismissed, with liberty to the petitioners to move an application under Order 26 Rule 9 of CPC, after conclusion of the oral evidence. If such an application is filed at that stage, the Trial Court shall consider it on its own merits, without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI, J.]

Sameer