

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

WRIT PETITION NO.14934 OF 2021

UJWALA PRAKASH GULAJKAR AND OTHERS
VERSUS
MARUTI PUNJAJI DHOKNE

...
Advocate for Petitioners : Mr. Hrishikesh V. Tungar

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28th JULY, 2022

ORDER :

1. The challenge in this petition is to the order dated 22/03/2021, passed by the 3rd Joint Civil Judge, Senior Division, Beed below Exhibit-10 in Regular Civil Suit No.403/2016, thereby rejecting the application filed by the petitioners under Order 26 Rule 9 of the Code of Civil Procedure, 1908.

2. The petitioners/original plaintiffs filed the suit for perpetual injunction. In the said suit, application (Exhibit-10) for appointment of Court Commissioner is filed, even before issues are framed. The application is rightly rejected by the Trial Court, as it is premature. Therefore, this Court is not inclined to interfere in the impugned order at this stage.

3. The writ petition is, therefore, dismissed with liberty to the petitioners to file application under Order 26 Rule 9 of the Code of

Civil Procedure after evidence is led. If such application is filed, the same shall be considered on its own merits, without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI, J.]

Sameer