

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

WRIT PETITION NO.9045 OF 2022

**NANASAHEB SAMBHU GHUGARKAR AND OTHERS
VERSUS**

PRAVIN DNYANDEO GHUGARKAR AND OTHERS

...

Advocate for Petitioners : Mr. Rajendra Sudam Kasar
AGP for Respondents – State : Mr. S. B. Pulkundwar

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th SEPTEMBER, 2022

PER COURT :

1. Petitioner is aggrieved by order dated 08/07/2022, passed by learned Civil Judge, Senior Division, Ahmednagar, below Exhibit-43 in Regular Civil Suit No.415/2021, thereby rejecting the application filed by petitioners/plaintiffs under Order 26 Rule 9 of the Code of Civil Procedure for appointment of Court Commissioner.
2. Admittedly, the said application is filed at a preliminary stage, immediately after rejection of Exhibit-5 application.
3. In the light of consistent view taken by this Court that application seeking appointment of Court Commissioner can be filed after conclusion of oral evidence of parties, this Court is of opinion that impugned order is not liable to be interfered with.
4. Writ petition is, therefore, dismissed. Petitioners are at

liberty to file application for appointment of Court Commissioner after conclusion of oral evidence. If such application is filed, it shall be decided on it's own merits, without being influenced by the order impugned in the present petition.

(NITIN B. SURYAWANSHI, J.)

SVH