

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9942 OF 2022

Shantabai Janardan Waghachaure

PETITIONER

VERSUS

Bhaskar Ramnath Tirse

RESPONDENT

.....
Mr. Harshad H. Padalkar, Advocate for the petitioner
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th SEPTEMBER, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the learned Joint Civil Judge, Junior Division, Kopergaon below Exhibit-47 in Regular Civil Suit No. 231 of 2016.
2. Admittedly, the said application for appointment of Court Commissioner is filed at a preliminary stage. The parties are yet to lead evidence.
3. In that view of the matter and in view of the consistent view of this Court that application seeking appointment of Court Commissioner can be made after conclusion of oral evidence, this Court is not inclined to interfere in the impugned order in

exercise of extraordinary writ jurisdiction.

4. Liberty is granted to the petitioner to apply for appointment of Court Commissioner after conclusion of the oral evidence. If such application is filed, the same shall be decided by the Trial Court on its own merits, without being influenced by the impugned order and the order passed in the present petition.

5. With aforesaid observations, the writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE

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