

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

WRIT PETITION NO.2944 OF 2020

BALIRAM DAYARAM PATIL THROUGH GPA VISHAL BALIRAM PATIL
VERSUS
LATABAI DNYANESHWAR KALBAILE AND OTHERS

...

Advocate for Petitioner : Mr. L. V. Sangeet

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd September, 2022

PER COURT :-

1. Admittedly, the petitioner has filed application under Order 26 Rule 10 of Code of Civil Procedure at the initial stage of the suit, which is rejected. Hence, this petition. Yet, the issues are to be framed and the application for injunction is not decided.
2. This Court has taken a consistent view that application for appointment of Court Commissioner is to be filed, after the oral evidence is concluded. In that view of the matter, this Court is not inclined to interfere in the order impugned in the present petition, at this stage.
3. If the parties file application for appointment of Court Commissioner after conclusion of the oral evidence, the same shall be considered on its own merits by the Trial Court, without being influenced by the order impugned in this petition.

4. With these observations, writ petition is disposed of.

[NITIN B. SURYAWANSHI, J.]

Sameer