

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9316 OF 2013

UMESH ANANTRAO MANDLIK
VERSUS
NANDED-WAGHALA CITY MUNICIPAL CORPORATION AND
OTHERS

...

Advocate for Petitioners : Mr. P.P. Mandlik h/f. Mr. A.S. Gandhi
Advocate for Respondents No. 2a, 2b and 2d: Mr. V.V.
Havthankar

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th AUGUST, 2022

ORDER :

1. The application Exhibit-37 filed by the petitioner for appointment of court commissioner in Regular Civil Suit No. 435/2013 is rejected by 5th Joint Civil Judge, Junior Division, Nanded, by order dated 29.10.2013. Said order is impugned in the present petition.

2. Having heard the learned advocate for the petitioner and learned advocate for the respondents and after perusal of record, it appears that application seeking appointment of court commissioner is filed even before framing of issues. This Court has taken a consistent view that application for appointment of

court commissioner can be filed after oral evidence of the parties is concluded.

3. The writ petition, is therefore, disposed of by granting liberty to the parties to move application for appointment of court commissioner after oral evidence is concluded.

4. If such application is filed at that stage, the Trial Court shall consider the same on its own merits without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI, J.]