

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

WRIT PETITION NO. 13453 OF 2021

Sudhakar s/o Nagorao Pawar

...Petitioner

Versus

Tukaram s/o Govindrao Walse

...Respondent

.....

Shri. B. N. Patil, Advocate for the petitioner

Shri. Dhananjay P. Deshpande, Advocate for the respondent

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : APRIL 4TH, 2022

PER COURT : -

1. Heard learned counsel for the parties finally, at the stage of admission.

2. The learned counsel for the petitioner-original defendant has challenged an order dated 03.09.2021 passed by 3rd Joint Civil Judge Senior Division, Latur, by which T.I.L.R. Latur was appointed as a Court Commissioner under Order 26 Rule 9 of the Code of Civil Procedure. After going through the order, I do not find any reason to interfere in the same under Article 227 of the Constitution of India. From the reasons assigned by the learned Judge in the impugned

order, it cannot be said that the plaintiff/respondent is making an attempt to collect evidence. Since there is no substance in the petition, it stands dismissed.

3. The parties shall appear before the trial Court. The trial court shall proceed further in accordance with law and try to dispose off the suit in view of the pendency of the old suits on the file of that court.

[PRITHVIRAJ K. CHAVAN]
JUDGE