

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 4429 OF 2017

Rangrao Changdeo Gavali .Petitioner

Vs.

Suresh Ishwar Kamble & ors. .Respondents

Mr. Ajay A. Joshi, Advocate, for the Petitioner
None for the Respondents

CORAM : ROHIT B. DEO, J.

DATE : 20.07.2022

P. C.

. The Petitioner is the Plaintiff, who is assailing the order dated 29.11.2016 rendered by the learned trial Judge, whereby the Application preferred under O. XXVI, Rule 9 of the Code of Civil Procedure, 1908 (for short 'CPC') preferred by the Plaintiff in R.C.S. 67 of 2015, is rejected. The Petition is filed in 2007 and has seen the light of the day for admission in 2022. In the meanwhile, the evidence of the Plaintiff has commenced.

2. In this view of the matter, I see no reason to interfere with the order impugned.

3. Needless to observe that if after the parties adduce evidence, a fresh Application for appointment of Court Commissioner is made, the same shall be considered by the learned trial Judge on its own merits.

(ROHIT B. DEO, J.)