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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 13023 OF 2018

**SHRI. RAMDAS EKNATH MALI
(NIKAM)**

....PETITIONER

V/s.

**SHRI. EKNATH SHANKAR MALI (NIKAM)
AND ANR**

.....RESPONDENTS

**Mr. Sachin Gite for the Petitioner
Mr. Rahul D. Motkari for Respondent no. 2**

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 1, 2022.

P.C.:

1) Admittedly, Applications under Order XXVI Rule 9 of Code of Civil Procedure, 1908 are at pre-evidence stage. As such, no fault could be noticed with the order impugned. That being so, Petition stands disposed of. However, once the Petitioner enters the witness box, it shall be open for him to take out fresh proceedings in accordance with law for appointment of Court Commissioner on the same lines on which order impugned is passed.

2) Such Application if so moved, be decided independently without being influenced by observations made herein above.

[NITIN W. SAMBRE, J.]