

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 WRIT PETITION NO.2023 OF 2023

NAVNATH BHAURAO PATOLE AND ANOTHER
VERSUS
KASHINATH CHANDRABHAN GADHE AND OTHERS

...
Advocate for Petitioners : Mr. Shahaji K. Shinde

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 24-02-2023

PER COURT :

. Heard.

2. The writ petition can be disposed of as the trial Court has observed in paragraph no.12 of the impugned order dated 11.01.2023 that after recording of evidence of both the parties, at the time of the final adjudication, the petitioners application for appointment of the Court Commissioner can be considered.

3. The learned counsel for the petitioners concedes to this position and submits that necessary application to that effect will be made after the evidence of both the parties is completed. The learned counsel for the petitioners relies upon the judgment of this Court in the case of **Shantaram Dattatray Kekan and Others vs. Bhausaheb Karbhari Kekan & another** delivered in Writ Petition No.14046 of 2021 on 05.12.2022.

4. In view of above, the writ petition stands disposed of with liberty to the petitioners to file an application for appointment of Court Commissioner after completion of evidence of both the parties.

5. Needless to state that, the trial Court to consider the application for appointment of the Court Commissioner, if filed, on its own merits and in accordance with law.

(SHARMILA U. DESHMUKH, J.)

GGP