

3. It is not in dispute that the application for appointment of Court Commissioner was filed at a premature stage. Though, issues are framed, yet the evidence has not commenced.

4. It is consistently held by this Court that appointment of Court Commissioner cannot be made at a premature stage and application seeking appointment of Court Commissioner has to be filed after commencement of evidence. Admittedly, in the present case, application for appointment of Court Commissioner was moved at a premature stage even before commencement of evidence.

5. In that view of the matter, no fault can be found with the order impugned in the present petition. Writ petition being devoid of merits, is dismissed. The parties are liberty to file application for appointment of Court Commissioner after recording of the evidence commences. If such application is filed at that stage, the Trial Court shall consider it on its own merits, without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI, J.]