

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

WRIT PETITION NO. 5025 OF 2020

Kailas Ranjit Kadam

.. Petitioner

Versus

Kalyan Sukhdeo Kadam and another

.. Respondents

Shri Girish K. Naik Thigle, Advocate for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 21ST FEBRUARY, 2023.

FINAL ORDER :

1. The challenge in the writ petition is to the order dated 31st January, 2018 rejecting the petitioner's application for appointment of Court Commissioner. The Trial Court has rejected the application by observing that the suit is filed for permanent injunction and the application appears to have been filed for collection of evidence. Reliance is placed by the learned counsel for the petitioner on the judgment of the Single Judge of this Court dated 05.12.2022 in Writ Petition No. 14046 of 2021 in the case of Shantaram Dattatray Kekan and others Vs. Bhausaheb Karbhari Kekan and another.

2. Writ petition is disposed of by permitting the petitioner to reiterate his request for appointment of Court Commissioner after the evidence has been led, which request will be considered

by the Trial Court on its own merits and in accordance with the law. Writ petition is disposed of. No costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Feb. 23