

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6991 OF 2022

Shaikh Farooq S/o. Shaikh Raheman Petitioner

Versus

Shaikh Anwar S/o. Shaikh Chand
and another Respondents

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Mr. M.S. Choudhary, Advocate for the Petitioner
Mr.D.Y. Nandedkar, Advocate for Respondent No.1
Mr. R.N. Dhakane, Advocate h/f Mr. S.S. Thombre, Advocate
for Respondent No.2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th MARCH, 2023

ORDER :

1. The petitioner is aggrieved by the order passed by the learned Civil Judge, Junior Division, Kannad, below Exhibit-67 in Regular Civil Suit No. 18 of 2014, thereby rejecting the application filed by the petitioner for appointment of Court Commissioner for inspection of the suit property.

2. Admittedly, the application is filed before recording of evidence. This Court has consistently held that application for appointment of Court Commissioner filed before recording of evidence is premature and it should not be allowed.

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3. In that view of the matter, this Court does not find any illegality or perversity in the order impugned in the present petition.

4. The writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane