

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10126 OF 2019

Piraji Hulappa Shrirame
and another

.... Petitioners

Versus

Revati Anant Suryawanshi

.... Respondent

.....
Mr. Chetan T. Jadhav, Advocate for Petitioners
Mr. G.G. Kadam, Advocate for the Respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st APRIL, 2023

ORDER :

1. The petitioners are aggrieved by the order passed by the learned 2nd Joint Civil Judge, Junior Division, Bhokar, below Exhibit-12 in Regular Civil Suit No.15 of 2016, thereby appointing the Court Commissioner at the instance of plaintiff at a premature stage.

2. This Court has taken consistent view that appointment of the Court Commissioner is not desirable before commencement of recording of the evidence. Admittedly, in the present suit issues are framed so also application Exhibit-5 is not decided.

3. In that view of the matter, the order impugned in the present petition cannot be sustained and deserves to be quashed and set aside.

4. In the result, the writ petition is allowed.

5. Impugned order dated 25/04/2019 passed by learned 2nd Joint Civil Judge, Junior Division, Bhokar, below Exhibit-12 in Regular Civil Suit No.15 of 2016 is hereby quashed and set aside.

6. The parties are at liberty to move such application for appointment of Court Commissioner, after recording of evidence commences in the Trial Court. If such application is filed, the Trial Court shall consider the same on its own merits, without being influenced by the order impugned in the present petition.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane