

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

WRIT PETITION NO.12263 OF 2023

**SATISH GOPAL BEMBDE
VERSUS
LAXMAN NARAYAN KAPSE AND OTHERS**

...
Advocate for Petitioner : Mr. Jayant R. Patil
AGP for Respondent – State : Mr. S.N. Kendre
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 12th OCTOBER, 2023

PER COURT :

1. Application filed by petitioner for appointment of Court Commissioner at appellate stage is rejected by appellate Court holding that the same would amount to collection of evidence. In fact, appellate Court would have kept said application pending and should have decided it at the time of final hearing.
2. In that view of the matter, impugned order dated 25/07/2023, passed by learned District Judge-1, Ahmedpur, Dist. Latur below Exhibit-32 in Regular Civil Appeal No.27/2018, is quashed and set aside. Application Exhibit-32 is remanded back to appellate Court for consideration at the time of final hearing of appeal. Writ petition is accordingly disposed of.

(NITIN B. SURYAWANSHI, J.)