

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

WRIT PETITION NO. 13642 OF 2023

Haribhau Vasudev Inamdar .. Petitioner
Versus
Prakash Namdev Mastud and another .. Respondents

Shri Sandeep Y. Mahajan, Advocate for the Petitioner.

CORAM : SHAILESH P. BRAHME, JJ.
DATE : 31ST OCTOBER, 2023.

FINAL ORDER :

. Heard.

2. The grievance of the petitioner is that his application for appointment of Court Commissioner is rejected on 04.08.2023 in R.C.S. No. 888 of 2020.

3. It is transpired that the application is submitted before commencement of trial. The issues in the suit have not been yet settled. The recourse to Order XXVI Rule 9 of the Code of Civil Procedure cannot be taken before commencement of trial, is consistent view of this Court.

4. The writ petition is disposed of with liberty to the petitioner to file application at appropriate stage.

[SHAILESH P. BRAHME, J.]