

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1678 OF 2020

Rangnath Ramchandra Harer
and others

.... Petitioners

Versus

Sayyed Akhtar Begum Sayyad Chand
and others

.... Respondents

.....
Mr. D.R. Jayabhar, Advocate for the Petitioners
Mr. S.V. Dixit, Advocate for the Respondent Nos.1 to 6
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th AUGUST, 2023

ORDER :

1. The petitioners are aggrieved by the order passed by learned 10th Civil Judge, Senior Division, Ahmednagar, below Exhibit-33 in Civil Misc. Application No.143 of 2016, thereby allowing the application filed by the respondents/applicants for appointment of Court Commissioner for inspection of the suit property and present status of construction of petitioners/non-applicants.

2. Heard the learned advocate for the petitioner and learned advocate for respondents. Perused the writ petition memo, annexures thereto, and the impugned order.

3. It is the grievance of the petitioners that the appointment of Court Commissioner is ordered after recording of evidence was over, and therefore, the Trial Court could not have allowed the application. There is no merit in the argument of the learned advocate for the petitioners in as much as it is well settled in catena of the orders passed by this Court that appointment of Court Commissioner should be allowed only after conclusion of recording of evidence. No fault can be found in the order impugned in the present petition. There is no illegality or perversity in the order impugned in the present petition. The writ petition being devoid of merit is dismissed.

4. The proceedings of Civil Misc. No.143 of 2016 is expedited.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane