



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 4970 of 2023

Smt. Nirmalabai Wd/o Ramchandra Sahu and others

Versus

Rajesh Pawankumar Saraiya and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R.Agrawal, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 21st AUGUST, 2023.

The order below Exhibit 61 dated 11th April, 2023 passed by 11th Joint Civil Judge, Senior Division, Amravati in Regular Civil Suit No. 428 of 2017, rejecting the application preferred by the petitioner for the appointment of commissioner, is under challenge in this writ petition.

2. It appears from the contents of the application that the application was filed at a premature stage and thus, the reasons recorded by the learned trial Court are proper.

3. However, as regards the findings recorded relating to identification of the suit property, the petitioner is having serious objection about it on the

ground that before passing of final judgment, such findings made on interim application, would cause great prejudice to the petitioner.

4. In the circumstances, I am of the opinion that, no error is committed by the trial court in arriving the ultimate conclusion while rejecting the application.

5. Accordingly, the writ petition is disposed of with a direction to the learned trial Court that, while passing the final judgment the learned trial Court shall not get influenced by any of the findings recorded in the impugned order dated 11th April, 2023.

[ANIL S. KILOR, J.]