



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

917 WRIT PETITION NO. 3010 OF 2024

**VITTHAL MAROTI KONERI
VERSUS
MALLABAI MAROTI KONERI AND OTHERS**

...
Advocate for the petitioner : Adv.V.S.Deshmukh
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 10.04.2024**

P.C. :

1] The learned counsel for the petitioner submits that the petitioner had filed an application for appointment of Court Commissioner. The trial Court, by order dated 15.09.2023, rejected the said application as the same is at the preliminary stage and it would amount to collection of evidence.

2] I do not see any error in the impugned order passed by the trial Court while rejecting the application. However, the application for appointment of Court Commissioner is rejected only on the ground that the application is at the preliminary stage and it amounts to collection of evidence. In view of the same, liberty is granted to the petitioner to file a fresh application before the Court at appropriate stage. If such an application is filed

by the petitioner, the concerned Court is directed to decided the same in accordance with law. The present Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC