



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

22 WRIT PETITION NO. 3752 OF 2024

BHIMRAO YASHWANT SURYAWANSHI DIED THROUGH LRS SURESH
BHIMRAO SURYAWANSHI AND OTHERS
VERSUS
SANDHYA SHIVAJI SURYAWANSHI MINOR THROUGH GUARDIAN R.NO. 2
AND ANOTHER

...
Advocate for the Petitioner : Mr. Dharurkar Chaitanya V.
Advocate for Respondents No.1 and 2 : Mr. N. L. Jadhav
...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 22, 2024

PER COURT :-

1. Heard the learned Advocate for the parties.
2. There is no objection raised in the petition for appointment of the Court Commissioner and the objection is only as regards the stage at which the Court Commissioner is to conduct the inspection. The learned Advocate for the petitioners submitted that application for setting aside closure of the evidence of the defendant is pending. The learned Advocate submits that the Court Commissioner be directed to conduct the inspection, after decision of the application of the defendant on setting aside evidence close order.
3. The learned Advocate further submits that in the event that the evidence close order is set aside then he be permitted to lead his evidence, and thereafter, the order of appointing Court Commissioner be made.
4. The learned Advocate appearing for the respondents has no objection for this suggestion of the petitioners.
5. In view of the submission canvassed, the Trial Court is directed to

decide the application for setting aside the close evidence order. In the event, the Trial Court allows the petitioner to lead further evidence the order at Exhibit 61 be implemented after the evidence of defendant is over.

6. The parties would be entitled to raise objection to the report of the Court Commissioner and same will be decided by the Trial Court in accordance with law.

7. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.