



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

907 WRIT PETITION NO.7248 OF 2024

**DATTATRAYA NARAYAN GHUNGARD & ANOTHER
VERSUS
MAHADEO SAHEBRAO GHUNGARD & ANOTHER**

...

Advocate for the petitioners : Mr.S.P.Salgar h/f.
Mr.M.P.Gandle

Advocate for Respondent nos.1 and 2 : Mr.R.P.Dhase

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.08.2024

P.C. :

1] Heard the learned counsel for the parties.

2] The appellate Court, by its order dated 30.11.2023 in Regular Civil Appeal No.142/2015 at para no.9, has recorded as under :

09. Record further shows that already also on 11.02.2016 this type of application for appointment of Court Commissioner is filed by the appellants below exh.16 and then it is ordered by my learned Predecessor on 25.01.2017 to hear the said application along with appeal with consent of the parties. If it is so, this second application is not maintainable.

3] In view of the same, I do not think appropriate to entertain the present Writ Petition. The Appellate Court has held that the application for appointment of Court

Commissioner is filed by the appellants at Exh.16 and that the said application will be heard along with the appeal. I do not express anything as far as application at Exh.16 is concerned and that the Appellate Court would be at liberty to decide the application in accordance with law without being influence of any part of this order.

4] With the above observations, the present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC