



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

1037 WRIT PETITION NO. 4865 OF 2024

**YASHODABAI ZABU DHABADGE
VERSUS
SANJAY SHANKAR DHABADGE & ANOTHER**

...
Advocate for the petitioner : Adv.H.V.Patil a/w.
Adv.D.Y.Nandedkar.
Advocate for Respondent nos. 1 and 2 : Adv.A.S.Jagtap h/f.
Adv.A.N.Nagargoje
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08.10.2024

P.C. :

1] Heard the learned counsel for the parties.

2] The application for appointment of Court Commissioner is filed by the petitioner – plaintiff below Exh.47 and the trial Court has allowed the said application by order dated 13.03.2024 subject to payment of requisite commission fees of TILR within one week. However, the petitioner could not deposit the said amount within stipulated period. Thereafter, the petitioner – plaintiff filed an application below Exh. 80 seeking payment of requisite commission fees of TILR. However, the said application was not filed with affidavit and by order dated 03.04.2024 the trial Court rejected the said application. Thereafter, another

application is filed by the petitioner – plaintiff at Exh.81 along with supporting affidavit. The said application is also rejected by order dated 08.04.2024.

3] The learned counsel for the petitioner submits that the petitioner is old aged lady and in the interest of justice the petitioner may be permitted to deposit the fees of TILR and the order of appointment of Court Commissioner dated 13.03.2024 may be implemented.

4] Considering the submissions of the learned counsel for the petitioner that the petitioner is of old aged lady and widow without child, the petitioner is permitted to deposit the commission fees of TILR within a period of two weeks from the date of uploading the order of this Court. The impugned order dated 03.04.2024 passed below Exh.80 and the impugned order dated 08.04.2024 passed below Exh.81 are quashed and set aside. On such amount being paid, the order dated 13.03.2024 passed below Exh. 47 be implemented subject to payment of cost of Rs.1,000/- to the Advocates Association of Bombay High Court at Aurangabad.

5] In view of above, the present Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE