



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO. 9669 OF 2024

MAINODDIN PIRSAB MULLA
VERSUS
ABBAS PIRSAB MULLA AND OTHERS

...
Advocate for the Petitioner : Mrs. Mhase Madhaveswari S.
Advocate for Respondent 1 : Mr. C.J. Sabnis (Patil)
...

CORAM : ARUN R. PEDNEKER, J.
Dated : October 07, 2024

PER COURT :-

1. Heard.
2. By this writ petition, the petitioner challenges the order dated 17.2.2024 in Special Civil Suit No. 15/2018 passed by the learned Civil Judge, Senior Division, Nilanga, whereby the application for appointment of Court Commissioner filed by the petitioner/plaintiff is rejected on the ground that the application is at preliminary stage and it amounts to collection of evidence.
3. I see no error in the order passed by the learned Trial Court, rejecting the application for appointment of Court Commissioner. The writ petition is dismissed. However, liberty is reserved to the petitioners to move appropriate application for appointment of Court Commissioner after adducing the evidence by both the parties. If such an application is filed, the Trial Court may decide the same in accordance with law.

(ARUN R. PEDNEKER, J.)

ssc/