



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

944 WRIT PETITION NO. 9219 OF 2024

Gorakhnath Kondiram Pawar And Others

VERSUS

Janabai Rangnath Pawar And Others

...

Advocate for the Petitioner : Mr. Bora Satyajit S.

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 27, 2024

PER COURT :-

1. The learned counsel for the petitioners submits that the Civil Court by the impugned order has held while rejecting the application for the appointment of a Court Commissioner that it amounts to the collection of evidence on behalf of the plaintiff, as the plaintiff had not entered the witness box. As such, the plaintiffs/ petitioners request liberty to move an appropriate application for the appointment of a Court Commissioner after leading his evidence.
2. In view of the fact that the application for the appointment of a Court Commissioner is rejected on the grounds that it would amount to the collection of evidence, liberty is granted to move an application for the appointment of a Court Commissioner after the parties have led evidence.
3. However, it is left open to the Trial Court to decide the said application, if moved, in accordance with the law and after considering the objections of the respondent/defendant.
4. With the above observations, the petitions stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.