



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

1015 WRIT PETITION NO. 10542 OF 2023

MADAN RUPCHAND BAINADE

VERSUS

TULSABAI SHALIKRAM KALE

...

Advocate for the petitioner : Mr.A.A.Fulfagar
Advocate for Respondent : Mr.S.S.Kulkarni h/f.
Adv.U.M.Maske Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 06.09.2024

P.C. :

1] Heard the learned counsel for the parties.

2] By the impugned order, the Court Commissioner is appointed and the said order is challenged by the defendant on the ground that it leads to collection of evidence for the plaintiff and will have bearing on interim relief application.

3] The learned counsel for the respondent-plaintiff submits that in the event the report is received from the Court Commissioner, the same may not be opened till the evidence of the plaintiff's witness is over.

4] The application for appointment of Court Commissioner is already decided by the trial Court. If the

report of the Court Commissioner is received, the same would not open till the the evidence of the plaintiff's witness is over and after disposal of the application of interim relief if filed by the plaintiff. After opening of the Court Commissioner's report, liberty is granted to the plaintiff to examine the Court Commissioner.

5] With the above observations, the present Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC