

*Shabnoor*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4085 OF 2017

Ujwala Vitthalrao Mane ... Petitioner  
V/s.  
Chandrakant Maruti Khandait & Anr. ... Respondents

SHABNOOR  
AYUB  
PATHAN

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SHABNOOR AYUB  
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None for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 14, 2024

**P.C.:**

- 1.** By the impugned order, an application seeking prayer to examine the Court Commissioner before the decision on an application under Order 39, Rule 1 of the Code of Civil Procedure, 1908 has been rejected.
- 2.** Considering the nature of inquiry contemplated under Order 39, Rule 1 of the Code of Civil Procedure, 1908, having been based on affidavit or otherwise, the Trial Court was justified in rejecting the application; hence, no interference in the impugned order is called for.
- 3.** The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)