



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.173 of 2024

MOHD. SAIFUDDIN S/O MOHD. QAMRUDDIN KAMAL (DEAD) THR. LRS. VS
SHAKILA AKHTAR W/O SARWAR HAYAT AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.G. Malode, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.
DATED : 10.01.2024

1. Heard.
2. In this petition, the order below Exh.145, dated 05.09.2023 passed by Jt. Civil Judge Senior Division, Nagpur, in Special Civil Suit No.349 of 2012, rejecting the application for appointment of Court Commissioner, is under challenge.
3. The learned trial Court, while rejecting the application has observed that the stage, at which the application was moved, is not a proper stage. It is further observed that, after closing the evidence of both the parties, if the parties think it necessary to move such application, such application can be moved.
4. Thus, in view of the liberty granted by the learned trial Court, it cannot be said that the order is adverse to the interest of the petitioner and further for the above referred reasons it cannot be said that the petitioner is an aggrieved party. Accordingly, the writ petition is disposed of.

[ANIL S. KILOR, J.]