



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO. 2555 OF 2024

AMBADAS MAHADU BHAIRAT AND OTHERS
VERSUS
RAJNITAI ASHOKRAO PATIL AND OTHERS

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Advocate for the Petitioner : Mr. Tungar Hrishikesh V.
AGP for Respondent/State : Mr. P.S.Patil
Advocate for Respondent No.1 and 2 : Mr. D.J.Chaudhari

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CORAM : SHAILESH P. BRAHME, J.

DATE : 17th FEBRUARY 2025

PER COURT :

1. Heard both sides.
2. Petitioners who were plaintiffs are challenging order dated 12.10.2023 passed by learned Civil Judge Senior Division, Ambajogai below exhibit-21 in R.C.S. No. 133 of 2022, rejecting their applications for appointment of court commissioner.
3. Petitioners' application below exhibit-21 was rejected referring to judgments of co-ordinate bench in the matters of **Sarjerao Nathu Bangar and others vs. Namdev Keru Bangar and others** in Writ Petition No.13441 of 2019 and **Sanjay Kisan Thorat vs. Ramchandra Parsu Thorat** in writ petition no.35279 of 2017. Admitted position is that the said application was filed before commencement of recording of evidence. The stage for moving the application is premature one. After recording of evidence, if required, the

petitioners can move appropriate application under Order 26 rule 9 of C.P.C. At this stage of the proceedings, I am not inclined to interfere with the impugned order.

4. Writ petition is dismissed. However, petitioners shall be at liberty to file application under Order 26 rule 9 of C.P.C at subsequent stages of the proceedings.

[SHAILESH P. BRAHME, J.]

vsj..