



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 930 OF 2016

Sayed Amanulla Amirsab

....Petitioner

VERSUS

Alimoddin Chandpasha Shaikh

.....Respondent

.....

Mr. R.K. Ashtekar, Advocate for the petitioner

Mr. Ziya Pathan h/f Mr. G.R. Syed, Advocate for the respondent

.....

CORAM : MANJUSHA DESHPANDE, J.

DATE : 30th JANUARY, 2025

ORDER :

1. Petitioner is challenging the order dated 28.12.2015 passed by Joint Civil Judge, Junior Division, Latur, below Exhibit-19 in Regular Civil Suit No. 518/2015.

2. Application filed by petitioner/original plaintiff for appointment of Court Commissioner under Order 26 Rule 9 of Code of Civil Procedure has been rejected by Civil Judge, Junior Division, Latur. It is submitted by petitioner that said application was filed before evidence was adduced by the parties. However, after the evidence was adduced by the parties in the suit, petitioner has filed fresh application for the same relief, however, the application Exhibit-80 has also been rejected by 3rd Joint Civil

Bhagyawant Punde

Judge, Senior Division, Latur, on 04.10.2024. Petitioner places on record copy of order dated 04.10.2024 passed below Exhibit-80, same is taken on record and marked 'X' for identification.

3. Learned advocate for the respondent submits that evidence in the suit is over and suit is now posted for final argument and Trial Court has granted last chance to the parties to make their arguments and matter is posted to 17.02.2025.

4. Considering that the evidence is already over and matter is now posted for arguments and subsequent application filed by petitioner for same relief has also been rejected, nothing survives in the present writ petition. Hence, in view of subsequent development, writ petition is disposed of as infructuous.

(MANJUSHA DESHPANDE, J.)