



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

CIVIL WRIT PETITION NO. 4310 OF 2020

Sumanbai Rambhau Alias Rama Raut And Others

...Petitioners

Versus

Limbaji Bhaskarrao Thombre

...Respondent

- Mr. Sarvadnya Rohit S, Advocate for the Applicant/Petitioner/Appellant
- Mr. S. M. Kakade h/f Mr. D. M. Kakade, Advocate for the Respondent.

CORAM : R. M. JOSHI, J

DATE : SEPTEMBER 30, 2025

PER COURT :

1. During the course of the hearing, this Court has made specific query to the learned counsel for the petitioner as to the stage at which the application below Exhibit 34 came to be filed. On instructions, learned counsel for the petitioners make a statement that the evidence is yet to be being.

2. This Court expressed view that it would not be appropriate for the plaintiff / parties to seek appointment of Court Commissioner without pleading evidence first.

3. In view of this, the learned counsel for the petitioners seeks withdrawal of the petition with liberty to file application at appropriate stage.

4. In view of the above, the petition is disposed of as withdrawn.
5. The petitioners – plaintiff is granted leave to make an application after plaintiff leads evidence before the Trial Court. The Trial Court to decide the said application on its own merits after hearing both sides.
6. The petition is disposed of in above terms.

(R. M. JOSHI, J.)