



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

1008 WRIT PETITION NO. 6321 OF 2022

RUSHIKESH KASHIRAO DESHMUKH

VERSUS

**UNION OF INIDA DEPARTMENT OF
ROAD TRASPORT AND HIGHWAYS AND OTEHRS**

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Advocate for the Petitioner : Mr. Natu Sharad V.

Advocate for Respondent No.1 and 3/IOI : Mr. Talhar Ajay G.

Advocate for Respondent No.4 : Mr. Urgunde Suhas P.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 10.12.2025

PER COURT :

. Heard learned counsel for respective sides.

2. By way of present petition, the petitioner is challenging the order dated 30.03.2022 passed below Exh.77 by learned Civil Judge, Senior Division, Latur in R.C.S No.518 of 2016 whereby, the application filed by the petitioner for appointment of Court Commissioner was rejected.

3. Learned counsel for petitioner Mr. Natu submits that in the suit, plaintiff has not stood in the witness box yet. The application was filed before the plaintiff has led his evidence. Therefore, he prayed to dismiss the present petition.

4. I have gone through the order passed by learned trial court. Court Commissioner can not be appointed for the purpose of collection of evidence before the party has led its evidence and the learned trial

court has rightly rejected the application filed by the petitioner. Therefore, I am not inclined to interfere with the order dated 30.03.2022 passed below Exh.77 by learned Civil Judge, Senior Division, Latur in R.C.S No.518 of 2016 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

6. However, the petitioner is at liberty to file fresh application after he has led his evidence.

7. The trial Court to decide the said application independently in accordance with law. The trial Court shall not be influenced by the observations made by it while rejecting the earlier application.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..