



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5865 OF 2023

LAKSHMIBAI BHANUDAS BHADSAL AND OTHERS

VERSUS

RAJARSHI SHAHU GRUHA NIRAMAN SANSTHA LTD THROUGH ITS
CHAIRMAN KARBHARI SADASHIV KASODE

...

Advocate for the Petitioners : Mr. Darshan Lalitkumar Palod

Advocate for Respondent : Mr. Kulkarni Suniket Anil

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18th FEBRUARY 2025

PER COURT :

. Heard both the sides.

2. The petitioners are challenging order of appointment of Commissioner issued at pre-trial stage. This is against the consistent view taken by this Court in the matter of **Sarjerao Nathu Bangar and others vs. Namdev Keru Bangar and others** in Writ Petition No.13441 of 2019. Application exhibit-17 under Order 26 and Rule 9 was filed before the commencement of the trial and should not have been entertained by the trial Court.

3. Respondent/Plaintiff shall be at liberty to file such application, if required at the subsequent stage of the proceeding.

4. In view of the above position, impugned order is quashed and set aside. Writ Petition is allowed.

**SHAILESH P. BRAHME
JUDGE**