



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO. 10431 OF 2023

KANTRAO LAXMAN USHALWAR AND ANOTHER
VERSUS
MAHATMAYA CHANDRAYA RAMASAGARKAR

...
Mr. Anil M. Gaikwad – Advocate for Petitioners
Mr. A.S. Kulkarni – Advocate for Respondent
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 19.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioners challenge the order dated 03.05.2023 passed by the learned Civil Judge, Junior Division, Dharmabad, on an application below Exhibit 56 in R.C.S. No.61/2021, whereby the application filed by the original plaintiff/respondent for appointment of a Court Commissioner came to be allowed.
3. The suit is for injunction and admittedly, the evidence of the plaintiffs is yet to commence. Therefore, at such an early stage of the suit, the application filed by the plaintiffs for appointment of a Court Commissioner ought not to have been allowed.
4. In view thereof, the Writ Petition is allowed. The order dated

03.05.2023 passed by the learned Civil Judge, Junior Division, Dharmabad, application below Exhibit 56 in R.C.S. No.61/2021 is quashed and set aside.

5. The respondent/original plaintiff is at liberty to file fresh application for appointment of a Court Commissioner after the parties lead their respective evidence.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/