



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

21 WRIT PETITION NO. 13933 OF 2025

**SYED MOHAMMAD ALI SYED YUSUF ALI
VERSUS
SHAIKH SHAHED SHAIKH BAPUJI AND OTHERS**

...
Advocate for the Petitioner : Mr. Shaikh Kayyum Najir

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.11.2025

P.C. :

1] By the present writ petition, the petitioner challenges the order dated 08.10.2025 passed by the Civil Judge Senior Division, Aurangabad in RCS No.11/2024 below Exh.23 whereby the application of the petitioner for appointment of Court Commissioner is rejected.

2] While passing the impugned order, the trial Court has observed that the plaintiff has not adduced his oral evidence till today. It is further observed that it is a settled position of law that a court commissioner normally should not be appointed until the recording of oral evidence

is concluded. Thus, it is not a stage to assess as to whether a court commissioner is required to be appointed or not. Considering the observations of the trial Court, the petitioner can apply for appointment of the Court Commissioner at appropriate stage.

3] With the above observations, the Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC