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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3422 OF 2025**

Ranjana Gorakh Bodke through Power of ... Petitioner
Attorney Holder Samdhan P.Ghadge

vs.

Santosh Bhagwat Keche and Ors ... Respondents

Mr. Rahul Khot for Petitioner.

Ms. Gauri Shah for Respondent

CORAM : GAURI GODSE, J.

DATED : 27th JUNE 2025

ORDER:

1. This petition is filed by the defendant no. 5 to challenge the order rejecting her application for appointment of court commissioner. This court vide order dated 6th March 2025, issued notice to respondent nos. 5 to 7 who are original plaintiffs. Today, learned counsel appears for respondent nos. 1 to 3 who are original defendants, and points out that the present petitioner is amongst the family members of the original plaintiffs who was an opponent in the proceedings under Section 143 of the Maharashtra Land Revenue Code, 1966 ('MLRC'), which is the subject matter of challenge in the suit.

2. Learned counsel for respondent nos. 1 to 3 submits that the

said order is in favour of defendant nos. 1 to 3. She therefore points out that though, this court has not issued notice to respondent nos. 1 to 3, she has appeared in this petition to point out that in view of the stay granted by this court, the proceedings of the suit have been stalled, though in the earlier round of litigation the suit was expedited. There is no dispute that the present petitioner was party opponent to the proceedings under Section 143 of the MLRC. There is also no dispute that the petitioner has never challenged the said order.

3. The impugned order is purely an interlocutory order. Normally, court should be very slow in interfering with such an interlocutory order in its discretionary jurisdiction under Article 227 of the Constitution of India. Moreover, in view of Section 105 of the Code of Civil Procedure, 1908 ("CPC") the impugned order can always be challenged in an appeal against the decree which may be passed in the suit, in the event the decree is adverse to the petitioner.

4. Subject to the aforesaid observations, the petition is dismissed while keeping rights and contentions of the parties in the suit open.

5. In view of the order dated 24th September 2018, passed by

this court in Writ Petition No. 4710 of 2018, I am sure that the trial court shall endeavor that the suit is decided expeditiously without granting unnecessary adjournments. The parties are expected to cooperate for earlier disposal of the suit.

(GAURI GODSE, J.)