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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6345 OF 2015**

Ramchandra Dinkar Mali and Anr ... Petitioners

vs.

Shri Narayan Dadu Pawar and Ors ... Respondents

Mr. Karan Bhosale a/w. Mr. Siddharth Chavan i/b. Ms. Neha Bhosale for Petitioners.

Mr. Pratik Deshmukh i/b. Mr. Kalpesh Patil for Respondent Nos. 1 to 8.

CORAM : GAURI GODSE, J.

DATED : 4th AUGUST 2025

ORDER:

1. This petition is filed by the defendants to challenge the order dated 6th January 2015, appointing the Court Commissioner. The impugned order is purely an interlocutory order which in no manner affects the rights of the parties.

2. No prejudice is caused to the petitioners. The Court Commissioner's report is never conclusive and the petitioners can always file objections to the report, which the trial court is bound to consider. The petitioners can also seek permission to cross-

examine the Court Commissioner, at an appropriate stage.

3. 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.

(GAURI GODSE, J.)