

Shakuntala Govind Meshram	...	Petitioner
Vs.		
Sandesh Dharmaji Gaikwad and Others	...	Respondents

CORAM : GAURI GODSE, J.

DATE : 15th JULY 2025

ORDER :

1. This petition is filed by the plaintiff to challenge the order rejecting the application at Exhibit-68 to appoint Court Commissioner. The application is dismissed mainly on the ground that the Court Commissioner's report at Exhibit-55 and revised report at Exhibit-67 alongwith maps are already on record.

2. The impugned order is purely an interlocutory order which in no manner affects the rights of the parties. No prejudice is caused to the petitioner. The Court Commissioner's report is never conclusive and the petitioner

can always file objections to the reports which are already on record, which the trial court is bound to consider. The petitioner 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, by reserving the liberty under Section 105 of CPC open and keeping the rights and contentions of the parties in the suit open.

[GAURI GODSE, J.]