



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.4737/2025
Shivaji and others V Badrinath and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. Mohta, Advocate for petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 20-08-2025.

Heard Advocate Mr. Mohta, learned Advocate for the petitioner.

2. The challenge is to order passed by the trial Court allowing the application under Order 26 Rule 9 of the Code of Civil Procedure for appointment of Court Commissioner. Learned Counsel for the petitioner submits that the application was filed by the plaintiff even before any evidence was led and the application is an attempt to collect evidence

3. Issue notice to the respondents, returnable after four weeks

4. Petitioner is permitted to file an application for adjournment before the trial Court. In case such application is submitted, the trial Court should consider it favourably.

(Prafulla S. Khubalkar, J.)