



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

WRIT PETITION NO. 3562 OF 2026

RAJASHRI SHAHU GRUH NIRMAN SANSTHA MARYADIT
PAITHAN THROUGH CHAIRMAN

VERSUS

LAXMIBAI BHANUDAS BADSAL AND OTHERS

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Ms. Kirti R. Deshpande, Advocate for the Petitioner.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th APRIL, 2026.**

P.C.:-

1. By this petition, petitioner impugns order dated 15.10.2025 passed below Exhibit-25 by Joint Civil Judge Junior Division in Regular Civil Suit No.147/2019, whereby petitioner's application for appointment of Court Commissioner has been rejected.

2. The petitioner is plaintiff in suit. The suit is filed for removal of encroachment. Previously, petitioner had filed application for appointment of Court Commissioner below Exhibit-17, which was allowed by Trial Court. However, this Court set aside said order giving liberty to petitioner to file such application at subsequent stage of proceeding. Immediately, after disposal of Writ Petition by this Court granting liberty in favour of petitioner, present application was moved.

3. Admittedly, trial in suit is not yet commenced, although affidavit of evidence is filed. The liberty is maintained in favour of petitioner to move an application at subsequent stage of proceeding

i.e. after recording of evidence of parties. However, without waiting upto that stage, petitioner filed premature application. The Trial Court has rightly refused to entertain said application. Hence, this Court finds no reason to interfere in impugned order. Needless to state here that, since petitioner is granted liberty to file application for appointment of Court Commissioner at subsequent stage of suit, he shall be at liberty to do so after recording of evidence in trial.

4. In result, Writ Petition stands dismissed with aforesaid liberty.

(S. G. CHAPALGAONKAR)
JUDGE