

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 10586 OF 2024**

Mamta Vijay Kadu  
Erstwhile Mamta Ramesh Komurlekar ...Petitioner

Versus

Grampanchayat Kolamb Through Gramsevak  
& Others ...Respondents

Mr. Advait Vajrakar, Advocate for the petitioner

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 13<sup>th</sup> JANUARY, 2026**

**ORDER :**

1. By this petition, the petitioner challenges order dated 03.04.2024 passed by the learned Civil Judge, Junior Division, Malvan below Exhibit- 22 in Regular Civil Suit No. 56 of 2021, thereby rejecting the application filed by the petitioner/plaintiff under Order 26, Rule 9 of the Civil Procedure Code, for appointment of Court Commissioner, for measurement of the suit land.

2. Admittedly, in the present case, application for appointment of Court Commissioner is filed before commencement of recording of evidence.

3. In ***Mahadeo Kondiba Shinde Vs. Nitin Sakharam Shinde*** (2022) 2 ALL MR 593 (Bom), learned Single Judge of this Court has held that appointment of Court Commissioner prior to the commencement of evidence of suit is premature and hence, set aside the said appointment. Similar view is taken by the learned Single Judge of this Court at Aurangabad Bench in ***Shantaram Dattatray Kekan and Others Vs. Bhausaheb Karbhari Kekan and Another*** (Writ Petition No. 14046 of 2021).

4. In view of above, this Court has consistently taken a view that application for appointment of Court Commissioner has to be filed after commencement of recording of evidence. In that view of the matter, this Court is not inclined to entertain the petition under extraordinary writ jurisdiction and the writ petition being devoid of merit is dismissed.

5. Petitioner is at liberty to file application seeking appointment of Court Commissioner after commencement of recording of evidence. If such application is filed, the Trial Court to consider the same on its own merits, without being influenced by the order impugned in the present writ petition.

(NITIN B. SURYAWANSHI, J.)