

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

WRIT PETITION NO. 1927 OF 2015

Ashok Shankar Bhirud ... Petitioner

Versus

Yashwant Rupchand Patil
& others ... Respondents

.....
Mr. S.P. Brahme , Advocate for petitioner
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th FEBRUARY , 2015

PER COURT :

1. The petitioner is the Appellant in R.C.A. No. 200 of 2014. An application Exhibit 28 under Order XXVI Rule 9 of the Code of Civil Procedure (CPC) has been rejected by the impugned order dated 12-01-2015 in the light of the prayer made by the petitioner. The Appeal Court has come to a conclusion that the said application was aimed at collecting evidence by seeking appointment of a Court Commissioner.
2. The learned Advocate for the petitioner, therefore, submits that, in the light of the observations of the Appeal Court in the impugned order dated 12-01-20215 in paragraph Nos. 6 and 7 as

regards the scope and ambit of order XXXXI Rule 27 of the CPC, the petitioner seeks leave to withdraw this petition so as to prefer an appropriate application by invoking order XXXXI Rule 27 of the CPC.

3. In the light of the above, the petition is dismissed as withdrawn. In the event the petitioner prefers an application under Order XXXXI Rule 27 of the CPC, the Appeal Court shall decide the same after giving due opportunity to the litigating sides and in accordance with law.

(**RAVINDRA V. GHUGE, J.**)