

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 42 OF 2015

SHRI RAVINDRA TUKARAM GAONKAR AND
ANR.,

... Petitioners

Versus

SHRI TULSHIDAS VASSUDEO GAVDE
(DECEASED) THROUGH HIS LRS. AND 5
ORS.,

... Respondents

Mr. Abhijeet Kamat, Advocate for the petitioner.

Mr. Ashwin D. Bhobe, Advocate for the respondent no.1a to 1e, 2 to 5.

Coram:- F. M. REIS, J.

Date:- 10th July, 2015

P.C.

After hearing the matter for some time, without going into merits of the impugned order, I find it appropriate to dispose of the above Writ Petition by granting leave to the petitioner to file a fresh application for appointment of the commissioner under Order XXVI, Rule 9 of CPC after the evidence of witnesses of the petitioners are examined before the learned Trial Judge. Objections of the respondents on such application on merit are left open. The learned Judge shall dispose of such application on its own merits without being influenced with the observations in the impugned order.

2. Writ Petition stands disposed of, accordingly.

F. M. REIS, J.