

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

WRIT PETITION NO.2063 OF 2015

Mr. Narayan Ramchandra Zite

(Since deceased through LRs)

Dattatray Narayan Zite and others

.. Petitioners

Versus

Mr. Govind Dagadu Kadam

.. Respondent

Shri. Kedar P. Lad, for the Petitioners

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 03.07.2014 passed by the Learned Civil Judge, Junior Division, Panhala, by which order the evidence of the Plaintiff was closed as on the said day instead of adducing evidence, the Plaintiff filed an application for appointment of the TILR as the Court Commissioner. The Petition also seeks to challenge the order dated 31.07.2014, by which order the application for appointment of the TILR as Court Commissioner came to be rejected as also the order dated 31.07.2014 by which order the application for setting aside the "No evidence" order dated 03.07.2014 came to be rejected.

2 . It appears that the Plaintiff had earlier filed a suit on the same cause of action. The said suit came to be dismissed on merits. The Plaintiff instead of challenging the decree of dismissal passed in the said suit has filed the instant suit for recovery of possession. In my view, having regard to the reasons mentioned in the impugned orders dated 03.07.2014 and 31.07.2014, the interdiction of the Writ Jurisdiction of this is not warranted. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]