

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11750 OF 2015**

Leelabai M Jain

..Petitioner

Vs.

Charlie Paul D'Souza

..Respondent

Mr. S. N. Vaishnawa a/w Ms Nupur Mukherjee i/b N. Vaishnawa & Co. for the Petitioner

Mr. Sudrashan Shingharani a/w Mr. Sachin Geley for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 8th DECEMBER, 2015

P.C.

1 The order under challenge is one rejecting the application for appointment of the Court Commissioner to measure the premises in question which are admittedly with the Respondent/Plaintiff. The Learned Counsel appearing for the Respondent Mr. Shingharani states that the Respondent would produce a certificate issued by the society wherein the said premises are located mentioning therein the exact area of the premises and place the said certificate before the Trial Court. Statement accepted.

2 In view thereof, it is not necessary to consider the impugned order on merits. In fact in view of the said statement of the Learned Counsel for the Respondent, the above Petition has turned infructuous and is disposed of as such.

[R.M.SAVANT, J]