

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

21 WRIT PETITION NO. 5125 OF 2014

**DADASAHEB SANDU DAKLE AND OTHERS
VERSUS
MANDABAI SAHEBRAO MATE AND OTHERS**

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**Advocate for Petitioners : Mr.Gaikwad Ajit B
Advocate for Respondent No.2 : Mr. A. M. Gholap**

CORAM : V. K. JADHAV, J.

DATE : 8th February, 2016

PER COURT :

1. Learned counsel for the petitioners/original defendants submits that, the learned Judge of the trial court, by the impugned order dated 30.07.2013, rejected application at Exh.20/D for appointment of Court Commissioner. The learned counsel further submits that the petitioners/original defendants have filed the present petition on 30.04.2014. In view of this, the learned counsel submits that the petitioners may be granted liberty to file application again for appointment of court commissioner, since at the time of rejection of Application Exh.20/D, the petitioners/defendants had not filed written statement on record.

2. It appears that the written statement is now filed by the petitioners/original defendants in the suit. The

learned counsel for the respondent No.2/original plaintiff submits that the respondent /original plaintiff has no objection to grant such liberty if occasion so arises of filing of an application for appointment of Court Commissioner.

3. The writ petition can be disposed of on the basis of the statement made by the learned counsel for the petitioners.

4. In view of this, writ petition is disposed of with liberty to the petitioners/original defendants to file application for appointment of court commissioner at the later stage, if occasion so arises. No costs.

(V. K. JADHAV, J.)

JPC