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

WRIT PETITION NO. 1873 OF 2015

Shivlingappa Panchappa Dindure & Anr. ...Petitioners

Vs.

Panchappa Shivappa Fundipalle & Ors. ...Respondents

Ms. Jayashree Gire i/b. Ashok B. Tajane for the Petitioners

one for the Respondents

CORAM : M.S. KARNIK, J.

DATED : 2nd APRIL, 2016

P.C. :

1. The petitioners are the heirs of the original plaintiff filed an application Exhibit-34 for appointment of Court Commissioner. The petitioners had also filed an application Exhibit-5 for injunction, which was granted by an order dated 11th November, 2014. The learned trial Judge was however pleased to reject the application Exhibit-34 for appointment of Court Commissioner. The said order rejecting application for appointment of Court Commissioner is challenged by way of the present Petition.
2. The learned Counsel for the Petitioners seeks leave to withdraw the present Writ Petition, reserving right to

challenge the order dated 11th November, 2014 passed below Exhibit-34 in appeal in the event the plaintiff's suit is dismissed. Liberty as prayed for is granted. All contentions of the parties are kept open. Writ Petition is allowed to be withdrawn and accordingly disposed off.

(M.S. KARNIK, J.)