

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

AO No. 27 of 2016

Sau Madhuri v. Harish

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri V. S. Kukday, Advocate for appellant
 Shri Mohit Khajanchi, advocate for respondent

CORAM : S. B. SHUKRE, J.

DATED : DECEMBER 7, 2016.

Heard learned counsel for the parties.

Learned counsel for the respondent has placed on record pursis dated 7.12.2016 enclosing therewith pursis filed in the Court of Civil Judge, SD, Gadchiroli dated 12.2.2016 and order dated 11.3.2016 passed by that Court in Special CS No. 42 of 2008. Pursis and documents annexed thereto are collectively marked "X" for identification.

It is seen from the pursis dated 12.2.2016 signed by the counsel for defendant (present appellant) that she has no objection for appointment of Court commissioner and accordingly, the Court has passed order on 11.3.2016 appointing Taluka Inspector of Land Records, Gadchiroli as Court Commissioner.

It is thus obvious that the correctness of the order impugned in this Appeal has already been accepted by the appellant. In fact, appeal is filed subsequent to such acceptance on 7.4.2016. A perusal of the pursis filed before the trial Court shows that the pursis is unconditional and without any protest on the part of the appellant.

In these circumstances, I am of the view that this appeal is not maintainable particularly when the appellant herself has accepted the correctness of the order impugned in the appeal.

Appeal stands dismissed.

JUDGE

joshi