

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2498 OF 2016

Abdul Latif Abdul Gafoor and others ...PETITIONERS

VERSUS

Waseema Ansari w/o Shaikh Mushtaq
Ahmed and Anr. ...RESPONDENTS

...

Mr. A.D. Kasliwal, Advocate for Petitioners
Mr. R.R. Shaikh, Advocate for Respondent No.1
Mr.R.B.Singne, Advocate h/f Mr. V. P. Latange,
Advocate for Respondent No.2

CORAM : NITIN W. SAMBRE, J.
DATED : 22nd NOVEMBER, 2017.

ORAL ORDER :-

1. The learned Counsel for the respondent No.1 plaintiff makes a categorical statement that the report of the Court Commissioner is from the record, pursuant to the order dated March 20, 2014 passed below Exh.22, will not be relied upon by the earlier orders in the application for injunction. In view thereof, there is no question of cross-examination of the Court Commissioner at the stage of deciding application for injunction i.e. Exh. 5.

2. As such, no interference is warranted at this stage. Petition stands dismissed in view of statement made by the plaintiff/respondent. However, in case, measurement report by the Court Commissioner is to be taken into account through the further Court Commissioner, it will always be open for the authorities of respondent No.2 to summon him for recording his evidence.

(NITIN W. SAMBRE, J.)

mta/-