

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

WRIT PETITION NO. 8631 OF 2017

SMT SHYMAL NAGORAO PHUTE AND OTHERS
VERSUS
SMT ANJANABAI DNYANBA JUBRE AND OTHERS

Advocate for Petitioner : Mrs. P.V. Bodkhe Patil.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 13th September, 2017

PER COURT :

1. Learned counsel for the petitioner submits that as the application for appointment of a Court Commissioner was filed before the decision on the Exhibit 5 application, this petition may be permitted to be withdrawn, on instructions, with liberty to file a fresh application for appointment of a Court Commissioner after the recording of evidence has commenced.

2. Considering the statement made, on instructions, this petition is disposed of as withdrawn. Needless to state, it is settled law that after the recording of oral evidence commences, any of the litigating sides could seek appointment of a Court Commissioner and in the event of filing of such an application, the Trial Court could decide the same on its own merit. Hence, the said liberty is kept available to all the litigating sides.

(RAVINDRA V. GHUGE, J.)