

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 598 OF 2017

KAILAS CHANDAR RANDIVE AND OTHERS
VERSUS
DROPADABAI GABAJI GHEGADE AND OTHERS

...

Advocate for Petitioners : Mr. A. K. Gawali
Advocate for Respondent Nos. 1 & 2 : Mr. R. R. Karpe

...

CORAM : RAVINDRA V. GHUGE, J.
DATE : 26.09.2017

PER COURT :

1. During the pendency of this petition, wherein an order rejecting the prayer for appointment of a Court Commissioner is challenged, the petitioners were permitted to amend their plaint and place a rough sketch / map on record by the Trial Court. Issues have now been cast in Regular Civil Suit No. 232 of 2014 and the matter is at the stage of recording oral evidence.

2. Considering the above position, learned advocate for the petitioners submits that this petition can be disposed off as the petitioners would prefer a fresh application for seeking appointment of a Court Commissioner as the impugned order was passed purely on the ground that the plaintiffs have not placed the rough sketch / map along with the plaint before the Court.

3. Learned advocate for the respondents submits that the liberty needs to be granted to all the litigating sides if they desire to

make an application for seeking appointment of a Court Commissioner.

4. Considering the statements recorded above, this petition is disposed off.

5. Needless to state, as the issues have been cast, the litigating sides would be at liberty to prefer an application for appointment of a Court Commissioner, if so advised. If such an application is filed, the same shall be considered on its own merits and in accordance with law.

vsm

(RAVINDRA V. GHUGE, J.)
JUDGE