

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10355 OF 2016
(Lahanu Chimaji Gaikwad and others Vs.Ramchandra Bhikaji
Gadakh)

Mr.V.C.Patil h/f Mr.P.B.Vikhe Patil, learned counsel for the
petitioners.

(CORAM : M.S.Sanklecha, J.)

DATE : 24/04/2017

PER COURT :

1. This petition challenges the order dated 27/07/2016 passed by the Civil Judge, J.D. Rahata, rejecting the petitioners' application for appointment of Court Commissioner. The impugned order records the fact that the suit is for simplicitor injunction and there is no boundary dispute. This, according to Mr.Patil is not factually correct.

2. Mr.Patil seeks leave to withdraw this petition with liberty to file an application before the Civil Judge, J.D. Rahata to bring on record the correct facts. Needless to state, it would be considered on its own merits.

3. Liberty, as prayed for, is granted.

4. The petition is dismissed, as withdrawn, with liberty as aforesaid.

(M.S.Sanklecha, J.)