

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

921 WRIT PETITION NO. 14368 OF 2017

MADHAVRAO RAMJI JAGTAP DIED) LRS BHARATBAI MADHAVRAO
JAGTAP AND OTHERS

VERSUS

UMESH AMRUTRAO BIRADAR

...
Advocate for Petitioners : Mr. G. N. Patil.

...

CORAM : **V. K. JADHAV, J.**

DATE : 13th December, 2017.

ORDER:

. The learned counsel for Petitioners submits that though in the application Exhibit 146 the Petitioners / original Defendants have mentioned about Grampanchayat House No.705 in respect of the area admeasuring 33 feet x 33 feet, the said Grampanchayat house number is not specifically mentioned in the pleadings. The Petitioners / Defendants have filed an application seeking amendment in the written statement to this effect and the same is pending under consideration of the Trial Court. The learned counsel submits that the Trial Court has rejected the application Exhibit 146 filed by the Petitioners seeking appointment of Court Commissioner for local inspection of the suit property as well as the property Grampanchayat House No.705 only on the ground that there is no specific pleading mentioned as

Grampanchayat House No.705 in the written statement.

2 The learned counsel for Petitioners, on instructions, seeks leave to withdraw this writ petition with liberty to file an application seeking appointment of Court Commissioner in case the application seeking amendment in the written statement as stated above, is allowed by the Trial Court. The writ petition is disposed of as withdrawn with liberty as aforesaid and in case the amendment in the written statement as proposed by the Petitioners / Defendants is allowed by the Trial Court, without getting prejudiced by the rejection of application Exhibit 146, the Trial Court shall decide the application for appointment of Court Commissioner afresh.

[V. K. JADHAV, J.]

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