

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4719 OF 2017

Vimalbai Nimba Malpure & Ors	...Petitioners
<i>Versus</i>	
Vijay Madhukar Jadhav & Ors	...Respondents

Mr Milind M Sathaye, *for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 13th November 2017

PC:-

1. There is no cause for interference with the order dated 6th December 2016 declining to appoint a Commissioner for local investigation. The Court quite correctly left open the question of evidence, oral or documentary, to be placed by the plaintiffs. It did not foreclose that. It also did not foreclose a further application at an appropriate stage for the appointment of a Commissioner for local investigation and, in any event, I make it clear that the plaintiffs are entitled to file a fresh application with supporting material and which the Court can consider on its merits uninfluenced by the order under challenge.

2. The Writ Petition is disposed of with these observations. There will be no order as to costs.

(G. S. PATEL, J.)