

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1182 OF 2017**

Bhagwan Jagannath Nitnaware

...Petitioner

Versus

The Union of India and Anr.

...Respondents

...

Mr. Rajeshwar G. Panchal for the Petitioner.

Mr. A.V. Bukhari, senior counsel with Mr. A.M. Nathani for the
Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th JUNE, 2017.

P.C. :

The Petitioner herein has challenged the order dated 23.3.2017 whereby the learned Presiding Officer of C.G.I.T.-2, Mumbai, permitted the Respondent No.2 to record the evidence by Court Commissioner.

2. The main grievance of the Petitioner is that the Respondent No.2 has filed the said application only with an intention of delaying the said proceedings. In the course of the arguments the learned counsel for the Respondent No.2 submitted that the Respondent No.2 is interested in expeditious disposal of the proceedings. He undertakes to

file the affidavits of the witnesses to be examined on behalf of the Respondent No.2 on 3.7.2017. He further submits that the Respondent No.2 would not delay recording of the cross examination and will extend his full cooperation to conclude the cross examination within a period of 60 days from the date of the filing of the affidavit. He further submits that Respondent No.2 would bear the total fees of the Court Commissioner who would be appointed for recording the evidence of the witnesses of the Respondent No.2. The aforesaid statements are accepted.

2. The learned counsel for the Petitioner seeks leave to withdraw the Petition in view of the statement made by the learned counsel for the Respondent No.2.

3. Hence, the Petition is dismissed as withdrawn. The parties are directed to appear before the Tribunal on 3.7.2017. The learned Presiding Officer, CGIT-2, Mumbai to endeavour to dispose of the matter expeditiously.

(ANUJA PRABHUDESSAI, J.)