

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO. 3519 OF 2017

PANDHARINATH BHAURAO PATIL
VERSUS
NANDALAL DHARAMDAS PATIL

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Advocate for Petitioners : Mr. Bhamre Manish V.
Advocate for Respondent-sole : Mr. Praful Patil h/f
Mr. Patil Prakashsing B.

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CORAM : V. K. JADHAV, J.
DATED : 19th MARCH, 2018

PER COURT:-

1. The learned counsel for the petitioner, on instructions, seek leave to withdraw this Writ Petition with liberty to file an application seeking appointment of a Court Commissioner before the trial court at a later stage as observed by the trial court.
2. It appears from the impugned order that the trial court has rejected the application exhibit 27 with the observations that this is not a proper stage to allow the said application and the petitioner/plaintiff would be at liberty to file an application for appointment of a Court Commissioner, if needed, under the proper circumstances.

3. In view of the above, leave granted. The Writ Petition is disposed of as withdrawn with liberty to the petitioner/plaintiff to file an application for appointment of a Court Commissioner at a later stage and the trial court may consider the same on its own merits without getting prejudiced by the earlier rejection of the application exhibit 27. The Writ Petition is accordingly disposed of.

(V. K. JADHAV, J.)

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