

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13381 OF 2017
(Ashokkumar and another Vs. Gopal Bharuka)

Mr.P.F.Patni, Advocate for the petitioners.
Mr.S.K.Chavan, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/12/2018

PER COURT :

1. The petitioners who are original defendants, are aggrieved by the order passed by the trial Court dated 02/05/2017 by which application Exh.17 filed by the plaintiffs seeking appointment of a Court Commissioner in RCS No.214/2016, was allowed. Exhibit 5 application was still pending.

2. Learned Advocate for the plaintiffs has collected instructions from the plaintiffs and submits that they would withdraw application Exh.17 and after the recording of oral evidence is concluded, they may choose to move an application for appointment of a court commissioner and that application may be considered on its own merits.

3. In view of the above, since application Exh.17 is withdrawn by

the plaintiffs, the impugned order would be rendered inoperable. This petition stands worked out. Needless to state, after the recording of oral evidence is over, if any litigating sides desire to seek appointment of a Court Commissioner, the said application would be considered on its own merits.

(Ravindra V.Ghuge, J.)