

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

920 WRIT PETITION NO. 10213 OF 2015

GULAB SAKHARAM KACHGUNDE
VERSUS
GRAMSEVAK, GROUP GRAMPANCHAYAT BADNAPUR
KAWTH AND ANOTHER

...
Advocate for Petitioner : Mr. Rohit S. Sarvadnya.
Advocate for Respondents : Mr. V. P. Latange.
...

CORAM : **V. K. JADHAV, J.**
DATE : 30th January, 2018.

ORDER:

. The learned counsel for Petitioner / original Plaintiff submits that the Trial Court has rejected the application Exhibit 38 on the ground that the Petitioner / Plaintiff is not willing to carry out the measurement through the office of the T.I.L.R. and appointment of third person or an Advocate as Court Commissioner, no purpose is likely to be served. On perusal of the contents of application Exhibit 38, the learned counsel fairly admits that the application Exhibit 38 lacking the details as to for what purpose the appointment of Court Commissioner is sought. The learned counsel, thus, seeks leave to withdraw this writ petition with permission to file an application with all the details.

2 It appears that the Trial Court was inclined to grant the application Exhibit 38, however, rejected the said application only on the ground that no purpose would be served if the third person or an Advocate having no expertise if appointed as a Court Commissioner to carry out the measurement. In view of the same and also for the reason that the application Exhibit 38 lacking the details as to for what purpose the appointment of Court Commissioner is sought, I grant leave to withdraw this writ petition with liberty to file an appropriate application with all the details for appointment of Court Commissioner afresh. If such application is filed, the Trial Court may decide the same on its own merits. The writ petition is accordingly disposed of.

[V. K. JADHAV, J.]

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