

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 610 OF 2018

LAXMIKANT VITHOBA MAHAJAN
VERSUS
THE VILLAGE DEVELOPMENT OFFICER JALGAON AND OTHERS

...
Advocate for the Petitioner : Shri Latange V.P.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th February, 2018

Per Court:

1 This matter is heard for sometime.

2 The learned Advocate for the Petitioner submits, on
instructions from the Petitioner, that the Petitioner desires to withdraw
this petition so as to be able to prefer an application for appointment of a
Court Commissioner after the recording of oral evidence.

3 Considering the above, this Writ Petition is disposed of as
withdrawn.

4 Needless to state, this Court has consistently held in various
judgments that in view of the provisions of Section 75 r/w Order 26 Rule
9 of the Code of Civil Procedure, a Court Commissioner can be appointed
after the recording of oral evidence. As such, in this case, in the event any
of the litigating side files an application for appointment of a Court

Commissioner after the recording of oral evidence, the Trial Court would consider the same on it's own merits and in accordance with law without being influenced by it's observations in the impugned order dated 17.11.2017.

kps

(RAVINDRA V. GHUGE, J.)