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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5091 OF 2018

Dattatraya Tulshiram Barne .....Petitioner

V/s.

M/s. Rama Developers and Builders through Motiram U. Panjabi .....Respondent

Mr. Akshay Kapadia i/b Mr. Rahul Kadam for the petitioner

CORAM : K. K. TATED, J.

DATE : 6th DECEMBER, 2018.

P.C.

Heard the learned counsel Mr. Kapadia for the petitioner.

2 By this writ petition, petitioner/original plaintiff is challenging the order dated 22/01/2018 passed by Jt. Civil Judge Senior Division, Pune below Exhibit 14 in Special Civil Suit no. 1388 of 2016 rejecting petitioner/plaintiff's application for appointment of Court Commissioner for various purposes.

2 When this Court declined to entertain the present writ petition, in view of the observations made by the Trial Court in paragraph 8 of the impugned order, the learned counsel for the petitioner submits that he received instructions from his client to withdraw the present writ petition with liberty to file a fresh, only for the purpose of measurement of the Suit land. To that effect, he has given in writing. Same is taken on record and marked as 'X' for identification. Same accepted. Hence, following order.

(i) Writ petition stands disposed of as withdrawn with liberty to file fresh application, only for the purpose of measurement of the Suit land.

(ii) No order as to costs.

[K. K. TATED, J.]