

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6775 OF 2019
(Namdeorao Dadarao Dudhal Vs. Shaikh Raeesoddin Jainoddin and
another)

Mr.B.S.Chondhekar, Advocate for the petitioner.
Mr.M.P.Gandle, Advocate for respondent Nos. 1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/06/2019

PER COURT :

1. The petitioner, who is the appellant before the Appellate Court in RCA No.7/2018, is aggrieved by the order dated 08/04/2019, by which his application Exh.18 seeking appointment of a Court Commissioner before the Appellant Court stands rejected. The Appellate Court has, however, recorded that the other objections of the appellant in respect of the Court Commissioner would be considered at the time of the final hearing of the suit.

2. Learned Advocate for the appellant submits on instructions that the appellant desires to withdraw this petition with a request that his contentions as regards the appointment of the Court Commissioner as set out in the grounds for appeal may be considered finally by the Appellate Court.

3. Learned Advocate for the respondents submits that he may not oppose if all his objections to the appeal are kept open.

4 In view of the above, this petition is disposed off, as withdrawn. Needless to state, the grounds for appeal as have been put forth by the petitioner/appellant before the First Appellate Court, would be considered by the Court on their own merits. All contentions of the litigating sides are kept open.

(Ravindra V.Ghuge, J.)