

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3484 OF 2018

Jay Prakash Balasaheb Gite & Ors. **... Petitioners**

V/s.

Vijay Balasaheb Gite and Anr. **... Respondents**

Mr. Sushant Prabhune for the Petitioner.
Mr. Jaydeep Deo for the Respondents.

**CORAM : M.S.SONAK, J.
DATE : 15TH APRIL, 2019**

P.C.:

1. In pursuance of the order dated 03.04.2019, the learned Trial Judge submitted a report. The report is perused.
2. In view of report, the interest of justice will be met, two orders made under Exhibit 8 are set aside. The learned Trial Judge is directed to dispose of the application at Exhibit 8 afresh and in accordance with law.
3. The application at Exhibit 8 to now be taken by some Judicial Officer other than the Judicial Officer who made two orders. This Court is informed that Judicial Officer who made two orders is to be transferred from June, 2019. His successor Judicial Officer, therefore, to take up the matter and dispose of the same in accordance with law without being influenced by any observation made in two orders

which, in any case are now set aside.

4. In view of setting aside the impugned orders, if any, report has been submitted by the Commissioner, the same is also required to be completely discarded.
5. The Writ Petition is disposed of in the aforesaid terms.
6. All the concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)