

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5184 OF 2019

Parisa Adappa Kabaj
(since deceased through Lrs.)

Vijay Appasaheb Patil

....Petitioner

V/s.

Supriya Balasaheb Mule

....Respondent

APPEARANCES :

Mr. Anilkumar K. Patil, Advocate for the petitioner.

None for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 20th June, 2019.

P.C. :

1. Heard learned Counsel for the petitioner.
2. The petitioner's Special Civil Suit No. 246 of 2002 is pending before the Learned 2nd Joint Civil Judge Senior Division, Sangli. The Court Commissioner was appointed to record the evidence of the plaintiff and

defendants.

3. The defendants applied and requested the trial Court to recall the order of appointment of the Court Commissioner for the reasons stated in the application. The learned trial Judge after hearing the plaintiff and the defendants granted the said application and directed to plaintiff to keep all his witness present in the Court for cross-examination. The learned trial Judge has recorded the reasons for recalling the order for appointment of the Court Commissioner in para-5 of the impugned order. In view of the reasons stated and recorded in the order and in particular para-5, I am not inclined to interfere with the order in the supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed.

(SANDEEP K. SHINDE, J)