

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2824 OF 2019

Jairam s/o Moreshwar Pathak

-vs-

Ayubkha Azadkha and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. S. Dhore, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATE : April 16, 2019

Shri A. S. Dhore, learned counsel for the petitioner submits that since necessary averments were not made in the application at Exhibit-51, the plaintiff be permitted to withdraw that application with liberty to file an appropriate application seeking appointment of the Court Commissioner.

Considering the observations of the trial Court in paragraph 6 of the impugned order the plaintiff is permitted to withdraw the application below Exhibit-51 and is granted liberty to file a fresh application. If such application is filed the same shall be decided on its own merits and in accordance with law. Fact that application below Exhibit-51 was rejected would not come in the way of the plaintiff while considering such fresh application. The contentions of the defendants are also kept open in that regard.

Writ petition is disposed of. No costs.

JUDGE