

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

WRIT PETITION NO.4938/2016

Smt.Asharani w/o Chanderprakash Taneja
Vs.
Jitendrapal s/o Lekhraj Dawara & others.

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

Court's or Judge's Orders.

Shri Akshay Naik, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.
DATED : July 15, 2019.

Shri Akshay Naik, learned counsel for the petitioner on instructions seeks permission to withdraw the writ petition with liberty to file a fresh application seeking appointment of a Court Commissioner so as to have evidence of the plaintiffs recorded. He submitted that due to passage of time on account of pendency of the present proceedings fresh grounds are now available for prosecuting such prayer.

There was no appearance on behalf of the respondents in the first session. Hence, the matter was kept in the second session. There is however no representation on behalf of the respondents.

Considering the nature of request that is being made, no prejudice would be caused to the respondents if the petitioner is permitted to file a fresh application seeking appointment of a Court Commissioner. If such application is moved, it is always open for the respondents to contest the same if they so desire.

Writ Petition is permitted to be withdrawn with liberty as prayed for.

JUDGE