

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

WRIT PETITION 7746 OF 2018

(Jhalaksingh s/o. Tikarambhau Bisen and ors..vs.. Surajitsingh Pritamdas Gandhi,
Gondia)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.K. Borkar, counsel for petitioners.
Shri M.R. Joharapurkar, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE : 7th OCTOBER, 2019

The learned counsel for the petitioners Shri R.K. Borkar states on instructions that the petitioner be permitted to withdraw the petition with liberty.

Shri M.R. Joharapurkar, the learned counsel for respondent is opposing grant of liberty to reiterate the prayer for appointment of commissioner.

I am not inclined to grant liberty to the petitioner to reiterate the prayer for appointment of commissioner on the same grounds on which the earlier application was moved. However, if after the parties lead evidence, the trial Court is satisfied that power under Order 26 Rule 9 of the Code of Civil Procedure is required to be exercised, this order shall not come in the way of the trial Court in exercising such power.

The petition is disposed of as withdrawn.

JUDGE

RSB