

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

132 WRIT PETITION NO.6991 OF 2016
WITH CA/6338/2020 IN WP/6991/2016

NAGRAJ BABUTMAL CHORDIA
VERSUS
JAYSHREE VIJAY DEOKAR AND OTHERS

...
Advocate for Petitioner : Mr. B.R. Waramaa
Advocate for Respondent No.1 : Mr. Girish Rane

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CORAM : V. K. JADHAV, J.
DATED : 27th NOVEMBER, 2020

PER COURT:-

1. Learned counsel for the petitioner submits that this court has consistently taken a view that the application seeking appointment of Court Commissioner can be filed after recording of evidence. Learned counsel thus seeks leave to withdraw this writ petition with liberty to file an application seeking appointment of Court Commissioner after recording of evidence.

2. Learned counsel appearing for respondent-original plaintiff has no objection if such liberty is granted to the petitioner. However, learned counsel appearing for respondent original plaintiff submits that the respondent plaintiff has filed an application for appointment of Court Commissioner in the proceeding initiated under Order XXXIX Rule 2A of C.P.C. and withdrawal of this writ petition should not come in his way for appointment of court commissioner in the said proceeding.

3. In view of above submission, this writ petition is disposed of as withdrawn with liberty to the petitioner to file an application for appointment of Court Commissioner after recording of evidence.

4. It is hereby made clear that withdrawal of this writ petition would not come in the way of respondent-original plaintiff while deciding the application filed by her seeking appointment of Court Commissioner in the proceeding initiated under Order XXXIX Rule 2A of C.P.C.

5. In view of disposal of writ petition, civil application No. 6338 of 2020 is disposed of.

(V. K. JADHAV, J.)

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