

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.344 OF 2020

Pandurang Parvati Kale & others

Petitioners

Versus

Jijaram Ambadas Janjire

Respondent

Mr.D.P.Palodkar, advocate for the petitioners.

CORAM : ROHIT B.DEO, J.

DATE : 08/01/2020

PER COURT :

1 I was not inclined to entertain the petition. The evidence is ongoing and the request for appointment of Court Commissioner can be renewed and considered on its own merits after the entire evidence is recorded.

2 The learned Counsel for the petitioners, on instructions, seeks leave to withdraw the petition with liberty to apply for appointment of Court Commissioner after the conclusion of the evidence.

3 The petition is disposed of with liberty as prayed.

4 If an application under Order 26 Rule 9 of the Civil Procedure Code is preferred after the evidence is concluded, the same shall be adjudicated by the trial Court on its own merits uninfluenced by any observations in the impugned order.

(ROHIT B.DEO)
JUDGE

adb