

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.1535 OF 2021

MOHD JILANI PAPAMIYAN
VERSUS
MAQSOOD ALI KHAN SAMSHIR KHAN

.....
Advocate for Petitioner : Mr. Kadam Gajanan G.
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CORAM : V. K. JADHAV, J.
DATED : 27th JANUARY, 2021

PER COURT:-

1. Heard.
2. In a suit for specific performance of contract the petitioner original plaintiff has filed an application for appointment of Court Commissioner solely on the ground that though the respondent defendant had executed an agreement of sale in respect of the land admeasuring 14 Are, however, the respondent-defendant is in possession of land admeasuring 1 Are only.
3. On perusal of the impugned order, it appears that the trial court has treated the application as premature and further observed that the application can be considered for appointment of court commissioner after the evidence is led by the petitioner-plaintiff.
4. In view of above, learned counsel for the petitioner original plaintiff seeks leave to withdraw this writ petition with liberty to file an

application for appointment of Court Commissioner at later stage.

5. Leave granted. The writ petition is disposed of as withdrawn.

6. Since the trial court has already granted liberty to the petitioner to file an application for appointment of Court Commissioner after his evidence is recorded, no such liberty is required to be granted to the petitioner by this court again.

(V. K. JADHAV, J.)

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