

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

40 WRIT PETITION NO.2463 OF 2021
BALIRAM BAPU MALI DIED THROUGH LRS
VERSUS
SHIVAJI BHAGUJI MALI AND OTHERS

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Advocate for Petitioners : Mr. Kanawade Ajay T.
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CORAM : V. K. JADHAV, J.
DATE : 08.02.2021

PER COURT :-

1. Heard.
2. The learned counsel for the petitioners submits that the evidence is yet not recorded before the Trial Court. The petitioners are the original plaintiffs instituted the suit for declaration and the decree of perpetual injunction. The learned counsel submits that liberty may be granted to the petitioners to file an application for appointment of the Court Commissioner after the evidence is recorded.
3. In view of the above, the learned counsel for the petitioners seeks leave to withdraw this Writ Petition with liberty to the petitioners to file an application for appointment of the Court Commissioner, after recording the evidence.

4. Leave granted.

5. Writ Petition is disposed off as withdrawn. The petitioners are at liberty to file an application for appointment of Court commissioner after recording the evidence before the Trial Court and upon filing such an application, the Trial Court may consider the same without getting prejudice by the earlier order passed below Exh.33, dated 18.12.2019.

(V. K. JADHAV, J.)

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vmk/-