

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO. 5491 OF 2021

SHAIKH KAREEM SHAIKH MIYA
VERSUS
KHATIB SHAIKH ANISUDDIN SAYEDUDDIN AND OTHERS

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Advocate for Petitioner : Ms. Rakhi V. Sundale
Advocate for Respondent No.1 : Mr. R. V. Gore & Mr. G. J.
Rahilwan
AGP for Respondent-State : Mr. S. P. Deshmukh

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CORAM : V. K. JADHAV, J.
DATED : 30TH MARCH, 2021

PER COURT :-

1. I have heard learned counsel for the petitioner for some time.
2. This Court has taken a consistent view that after the parties led the evidence, Court Commissioner can be appointed in an appropriate case. Learned counsel appearing for respondent no.1/original plaintiff has also not disputed this legal position.

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3. Learned counsel for the petitioner, thus on instructions, seeks leave to withdrawn this Writ Petition with liberty to the petitioner/original defendant no.3 to file an application for appointment of Court Commissioner after the parties led the evidence.

4. Leave granted. The Writ Petition is disposed off as withdrawn with liberty to the petitioner/original defendant no.3 to file an application for appointment of Court Commissioner after the parties led the evidence and upon filing such an application for appointment of Court Commissioner, it is for the trial court to decide the same on its own merits without getting prejudiced by its earlier order of rejection of application Exhibit 79.

(V. K. JADHAV, J.)

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