

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.631 OF 2018

Shri. Vijay Dinkarrao Karanjavane ..Petitioner

Versus

Shri. Khandu Devram Aragade ..Respondent

Mr. Vikas B. Tapkir, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th FEBRUARY, 2022

PC.

1. Heard.

2. In view of provisions of Order XXVI Rule 10(3) of the CPC, petitioner intend to take out appropriate proceedings as it is demonstrated that PW-2/Cadastral Surveyor/Commissioner has failed to depose on the procedure adopted while carrying out measurement.

3. Keeping such right in tact, petitioner to move before the Appellate Court. Present petition stands disposed of as withdrawn.

4. Needless to clarify that if such application is moved, same be decided without being influenced by the rejection of the prayer for appointment of the Commissioner.

[NITIN W. SAMBRE, J.]