

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

WRIT PETITION NO. 2041 OF 2023

Shashikant Pralhadrao Akangire
and others

.. Petitioners

Versus

Kausalyabai Digambarrao Baraskar
Died Through her LRs
Digambar Eknath Baraskar

.. Respondent

Shri V. D. Gunale, Advocate for the Petitioners.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 21ST FEBRUARY, 2023.**

FINAL ORDER :

. Heard.

2. After arguing for some time, learned counsel for the petitioners seeks permission to withdraw the petition with liberty to file an appropriate application for appointment of Court Commissioner under Order XXVI Rule 9 of the Code of Civil Procedure (for short “Code”), which will be decided by the Trial Court on its own merits and uninfluenced by the order dated 17th November, 2022, which came to be passed on the application of the petitioners for fresh measurement filed on the ground that concerned T. I. L. R. has expired.

3. Let the fresh application setting out the grounds for fresh

measurement under Order XXVI Rule 9 of the Code be filed by the petitioners, which will be considered by the Trial Court on its own merits and in accordance with law.

4. Writ petition is dismissed as withdrawn. No costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Feb. 23