

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

61 WRIT PETITION NO.8207 OF 2022

**HOMRAJ RAMDAS PATIL AND ANOTHER
VERSUS
RAJENDRA DIPA PATIL AND ANOTHER**

...

Advocate for Petitioners : Mr. Atmaram J. Patil
Advocate for Respondent Nos.1 & 2: Mr. M.K. Bhosale

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 08-02-2023

PER COURT :

. The challenge in the petition is to the order dated 17.06.2022 passed below Exh.31 in R.C.S. No.6 of 2019 wherein the respondent nos.1 and 2 - plaintiffs application for appointment of Court Commissioner came to be allowed.

2. The petition can be disposed of in view of the statement made by the learned counsel for the respondent nos.1 and 2 that he will not press for appointment of the Court Commissioner at this stage and the impugned order can be quashed and set aside. He further submits that he may be permitted to file an application for appointment of Court Commissioner after the evidence has been led.

3. Considering the statement of the learned counsel for the respondents, the order dated 17.06.2022 is quashed and set aside.

The liberty to the respondents to move an appropriate application subsequent to leading of evidence. The respondents are at liberty to move an appropriate application for reimbursement of the measurement fees which have been paid, which would be decided in accordance with law and on its own merits.

4. Writ petition stands disposed of.

(SHARMILA U. DESHMUKH, J.)

GGP