

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6489 OF 2017

Ashok Murlidhar Dandekar

...Petitioner

Versus

Prabhakar Murlidhar Dandekar

...Respondent

Mr. Sachin Gite for the petitioner.

Ms. Aditi Naikare i/b Mr. P. J. Thorat for the respondent.

Coram : Sharmila U. Deshmukh, J.

Date : June 20, 2023.

P. C. :

1. After arguing for some time, learned counsel appearing for the Petitioner submits that he does not want to press the Writ Petition, however, liberty may be granted to renew the request for appointment of Court Commissioner, as in the interregnum evidence has been led by the parties.

2. Considering the request and that the Writ Petition challenges the order of the year 2017 and subsequently the evidence has been led by the parties, liberty to the Petitioner to file a fresh application under Order-26 Rule-9 of the Code of Civil Procedure, 1908. The Trial Court to decide such application on its own merits.

3. Needless to states that this Court has not gone into the merits of the Writ Petition.

4. The Writ Petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]