



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

CIVIL WRIT PETITION NO. 2445 OF 2023

Pravin Prakash Risvade

...Petitioner

vs.

Shri. Sharad Vinayak Majrekar and Anr.

...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 7716 OF 2024
IN
CIVIL WRIT PETITION NO. 2445 OF 2023**

Pravin Prakash Risvade
Through L.H. Through Its
Guardian Sunanda Pravin
Risvade

...Applicant

vs.

Shri Sharad Vinayak Majrekar and Anr.

...Respondents

Adv. Yogesh P. Morbale (Later on)	Advocate for the Petitioner
Adv. Padmanabh D. Pise a/w Adv. Sejal A. Hariyan	Advocate for the Respondent No. 1
Mr. Vikram Walawalkar a/w Mr. Amey Sawant and Ms. Iqra Qureshi	Advocate for the Respondent No. 2

CORAM : S. M. MODAK, J.

DATE : 18th NOVEMBER 2024

P. C. :-

1. Heard learned Advocate for Respondent No. 1-Plaintiff and learned Advocate for Respondent No. 2-Defendant No. 2.

2. In a suit filed by the present Respondent No. 1-Plaintiff before the Court of the Civil Judge Junior Division Miraj, the Defendant no. 1 filed an application for appointment of the Court Commissioner. The prayers in the plaint are for mandatory injunction and for prohibitory injunction and there are other reliefs. It is on page no. 19.

3. **During pendency of the suit, the Defendant No. 1 filed an application for appointment of the Court Commissioner.** City Survey Officer was directed to measure the land. This is as per Order dated 17.06.2016, on page no. 36. Accordingly, the Commissioner was executed the measurement and report is submitted. It is on page no. 39. After submission of the report, the Defendant No. 1 again applied for appointment of the Court Commissioner as per application dated 07.03.2017, page no. 40. The trial Court as per order dated 13.08.2018 rejected the application. It is on page no. 41. This order is challenged by Defendant No. 1.

4. There are reasons for dismissing this Writ Petition. One of the reason is the petition is filed in the year 2018 but numbered in the year 2023. The Petitioner was not diligent in prosecuting this petition. It is recorded by this Court on 26.02.2024 and 30.09.2024. Defendant No. 1 expired and Interim Application No. 7716 of 2024 is filed by his

legal representatives for condoning the delay of 896 days and for further orders. It is contended that this interim application even not served.

5. Today no one is present on behalf of the Petitioner. Now the matter is fixed for evidence of the Plaintiff. The roznama copy dated 19.10.2024 is tendered. It is taken on record and marked as 'Annexure-X'.

6. At this juncture, learned Advocate for the Applicant-Petitioner appeared and submitted that let one week time be granted to take instructions. Already this petition is pending since long. Lastly, all the facts are recorded in the Order dated 30.09.2024. The Petitioner ought to have given instructions to his learned Advocate whether to proceed this petition or not. This Court is not inclined to grant more time as this Court has given sufficient time.

7. Learned Advocate prays for withdrawal. Petition is disposed of as withdrawn.

8. Interim application No. 7716 of 2024 does not survive. Hence, it is disposed of.

[S. M. MODAK, J.]