

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7471 OF 2024

Sharda Shashikant Pawar & Ors.

.. Petitioners

Versus

Tanaji Ganpati Pawar & Ors.

.. Respondents

-
- Mr. Dilip Bodake for Petitioners
-

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2024

P. C.:

1. Heard Mr. Bodake, learned Advocate for Petitioners.
2. Present Writ Petition takes exception to the order dated 21.12.2023 passed by learned Trial Court below Exh. 64 in RCS No. 215/2011. By the said order, learned Trial Court has rejected Petitioners' (Defendant Nos. 1 to 3's) Application for appointment of Court Commissioner and carrying out Nimtana Measurement under O. XXVI, R. 9 of the CPC.
3. Issue notice to the Respondents made returnable on 24.06.2024. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After

receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioners.

4. Respondents are directed to remain present either themselves or through their Advocate on the next adjourned date. It is made clear that if Respondents remain absent despite service on the next adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondents.

5. Stand over to **24th June, 2024 at 2:30 p.m.**

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.06.18
15:15:16 +0530