

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

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

Pravin Prakash Risvade
V/S

....Petitioner

Shri. Sharad Vinayak Majrekar & Anr

....Respondents

Mr. Nikita Bhosale i/b. Mr. Yogesh Morbale for the Petitioner.

Mr. Padmanabh D. Pise for the Respondent No. 1

Mr. Vikram N. Walawalkar a/w. Mr. Amey Sawant for the Respondent No. 2

CORAM : M. M. SATHAYE, J.

DATED : 30 SEPTEMBER 2024

P.C.:

1. A request is made on behalf of learned Counsel for the Petitioner for adjournment.
2. Learned Counsel for the Respondent No. 1 points out that the sole Petitioner has expired. It appears that the Interim Application for bringing his legal heirs is filed and the same is pending. Perusal of the Application shows that there is delay of 896 days in filing the Application.
3. Learned Counsel for the Respondent No. 2-Municipal Corporation submits that the impugned order is an old order dated 13 August 2018 by which second Application of the Petitioner for appointment of the Court

Commissioner for measurement is rejected. He submits that in last 6 years, the suit has proceeded and the evidence is being recorded.

4. In view of the aforesaid facts and circumstances, learned Counsel for the Petitioner is directed to take specific instructions as to whether anything survives in the Petition and inform the same to the Court on the next occasion.

5. Stand over to **14 October 2024**.

(M. M. SATHAYE, J.)