



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

WRIT PETITION NO. 8519 OF 2024

Papalala Babu Jadhav And Another
VERSUS
Kamalbhai Ramlal Rathod And Others

None present for petitioners
Mr.U.S.Patil, Advocate for respondents nos.1 to 4

CORAM : AJIT B. KADETHANKAR, J.
DATE : MARCH 11, 2026

ORDER :-

In the suit, the plaintiffs have closed their evidence and the defendants have tendered their affidavit. At this juncture, an application under 26 of the C.P.C. came to be filed by the plaintiffs seeking appointment of Court Commissioner to ascertain as to whether the disputed road exist or not. The said application has been turned down by learned trial court vide order dated 29.11.2023. The Writ Petition is filed on 02.07.2024 i.e. at least, eight months after passing of the impugned order.

2. Learned counsel for the respondents/defendants submits that their evidence in the suit is part heard.

3. When the matter is called out, none appears for the petitioners.
4. Stand over to 12.03.2026 for dismissal.

[AJIT B. KADETHANKAR, J.]

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