

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7790 OF 2013

Rajendra B. Pachore (deceased) by & through his L.Rs. Smt. Alka R. Pachore & Ors.	..	Petitioners
VS. Natwarlal R. Ladda	..	Respondent

Mr. A. M. Kulkarni for Petitioners.
Mr. Umesh Mankapure for Respondent.

CORAM : M. S. SONAK, J.
DATE: 01 SEPTEMBER 2015

P.C. :-

1] There is no necessity to interfere with the impugned order dated 4 May 2013. The Appeal Court is right that the whole purpose for seeking appointment of Commissioner was to collect evidence at the appeal stage. The Appeal Court, has considered the application seeking for appointment of Commissioner in its proper perspective and thereafter rejected the same. There is no jurisdictional error or perversity involved.

2] However, since the learned counsel for the petitioner submits that there are certain subsequent developments, the petitioners will have liberty to take out appropriate application under Order XLI Rule 27 of the CPC. Such application, if taken out, to be

considered by the Appeal Court in accordance with law and on its own merits at the stage of final hearing of the appeal.

3] The final hearing of the appeal is expedited. The appeal to be disposed of as expeditiously as possible and in any case within a period of six months from today.

4] Writ petition is disposed of accordingly.

5] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka

C E R T I F I C A T E

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by :
Ms. S. K. Chandka
P.S. to the Hon'ble Judge

Uploaded on: 02 September 2015