

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.261 of 2015
(Dattulal Gopaldas Agrawal v. Dinkarrao Govindrao Pathak and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri J.B. Gandhi, Advocate for Petitioner.

Shri Abdul Sobhan, Advocate, holding for Shri Anand
Deshpande, Advocate for Respondent No.1.

Coram : R.K. Deshpande, J.

Dated : 20th January, 2015

The Chief Engineer submitted his report on 6-8-2013 stating that the shop seems to be in usable condition. However, to confirm the soundness and durability of structure, non-destructive testing of slab over the suit shop and beam at lintel level in the front portion of suit shop and structural audit of suit shop needs to be carried out by the expert in this field.

The application for appointment of Commissioner under Order XXVI, Rule 9 of the Civil Procedure Code was moved on 26-12-2014. The Trial Court is proceeding to record the evidence in the matter, and no interference is called for at this stage. Similarly, all other interlocutory orders, which are challenged in this petition, also do not call for any interference.

The petition is dismissed. All questions are left open to be agitated in a regular civil appeal, if such occasion arises.

Judge.

Lanjewar