

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

*WRIT PETITION NO. 15 OF 2016
WITH
CIVIL APPLICATION NO. 996 OF 2016*

Radhika Mehta Arora

.. Petitioner

Vs

Abhilasha Properties Pvt. Ltd. & Ors.

.. Respondents

Mr. V. A. Thorat, Senior Advocate a/w Ms. Prachi Tatke i/b. Malholi Shahnaz for the Petitioner & Applicant.

Mr. Y. S. Jahagirdar, Senior Advocate a/w Ms. Meera Shah i/b. M/s. Pandya & Co. for Respondent No.1.

CORAM : N. M. Jamdar, J.

Date : 19 December 2016.

P.C. :

. The learned counsel for the parties after arguing the matter for some time state, on instructions, state that the petition can be disposed of by the following directions and since the main proceedings are pending no reasons in support of the same be given as it might affect the merits of the dispute. Accordingly, the Writ Petition is disposed of as under ;

(i) The reports submitted by the architect Mr. S. P. Rao pursuant to the order dated 6 May 2010, and the one submitted by him along with the plaint will be treated as report submitted by the plaintiffs and not the report of a Commissioner appointed by the Court.

(ii) All contentions of the parties in respect of these two reports of Mr. Rao as witness of the Plaintiff are kept open.

(iii) The order dated 26 November 2010 by the learned Small Causes Court Judge, below Exh. 36 directing the Court Commissioner to inspect the suit premises and submit a report is confirmed, however, the name of the architect shall be changed from Shri S. P. Rao to M/s. Nadkarni & Co. having their office at 1-2 Raj Mahal, M M Chhotani Road, Mahim, Mumbai – 400 0016, who are on the panel of this Court.

(iv) The Architect shall accordingly submit his report within period of six weeks from today. Needless to state that the Petitioner will provide the necessary access to the Commissioner to enable the Commissioner to carry out the work and to submit a report.

2. Considering the fact that the suit is pending since the year 2008 and it is still at the stage of report of the Commissioner, the learned Small Causes Court will make an endeavor to dispose of the suit as early as possible within one year from today, subject to earlier time bound commitments. Writ Petition is disposed of in above terms.

(N. M. Jamdar, J.)