

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1192 OF 2019

M/s. Jyoti Electric Trading Co. .. Petitioner
vs.
Umesh D. Dhone and anr. .. Respondents

Mr. Mihir S. Raje for the Petitioner.
Mr. Prabhanjan Gujar for the Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : 22nd JULY 2019.

P.C. :-

1] Heard Mr. Mihir Raje, learned counsel for the petitioner and Mr. Prabhanjan Gujar, learned counsel for respondent No.1.

2] By this petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as the defendant, has challenged the order dated 8th January 2018 passed by the learned Trial Judge below Exhibit-27 in Civil Suit No. 265 of 2012. By that order, the learned Trial Judge allowed the application made by the respondents, hereinafter referred to as the plaintiffs and appointed the Court Commissioner for measurements of the suit property and taking it's photographs, as sought in the application. After the

measurement and photographs are taken, the Court Commissioner is directed to prepare a detail report as to the factual position of the suit property.

3] Learned counsel for the parties submit that the controversy between the parties is covered by the order dated 14th March 2019 passed by this Court in Writ Petition No. 3227 of 2019.

4] In view thereof and for the reasons stated in that order, this petition is dismissed.

5] It is however, made clear that where a decree is appealed from, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contained in Section 105 (1) of CPC.

(R. G. KETKAR, J.)