

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 7471/2018

(HARISH BABURAO PULLI @ PILLEY & OTHERS **VERSUS** LODGE BERAR NO.28, GLI, AMRAVATI
& OTHERS)

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

Court's or Judge's orders

Shri A.S. Dhore, counsel for petitioners.
Shri K.P. Mahalle, counsel for R-1 to 5.

CORAM : A.S. CHANDURKAR, J.

DATE : JUNE 26, 2019.

An order passed by the Appellate Court rejecting the application that was filed by the petitioners under provisions of Order XVIII Rule 18 of the Code of Civil Procedure, 1908 (for short, 'the Code') is under challenge.

Heard the learned counsel for the parties and perused the documents on record. In paragraph 8 of the said order, the Appellate Court has observed that the date when the application was being considered, it was yet to form any opinion as to the necessity of inspecting the said property. Under provisions of Order XVIII Rule 18 of the Code, it is the discretion of the Court to inspect the property if it finds it necessary.

By observing that it is open for the Appellate Court to invoke its powers under provisions of Order XVIII Rule 18 of the Code if it finds it necessary and by clarifying that the impugned order would not come in the way if such powers are sought to be exercised at a later stage, I do not find any reason to interfere with the impugned order.

The Writ Petition is therefore dismissed. No costs.

JUDGE

APTE