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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 5/2020 & C.M. APPL. 1436/2020 (stay)**

VIRENDER SHARMA Appellant

Through: Mr. Prabhjit Jauhar, Advocate

versus

POONAM BHANOT & ORS. Respondents

Through: None

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **04.02.2020**

1. Having heard Mr. Prabhjit Jauhar and having perused the judgment of the Supreme Court in *Shah Babulal Khimji v. Jayaben D. Kania (1981) 4 SCC 8* and the subsequent judgment in *Midnapore Peoples' Cooperative Bank Limited v. Chunilal Nanda (2006) 5 SCC 399*, the Court is of the view that the impugned order, which declines the Appellant's prayer for appointing a Local Commissioner to record evidence, is not an appealable one.

2. The appeal is accordingly dismissed on the ground of maintainability.

3. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 4, 2020

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