

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4494 OF 2021**

Vinodbhai Bhogilal Shah

... Petitioner

V/s.

Rajendra Shantilal Gathani And Ors.

... Respondents

Mr. Hemant Ghadigaonkar, Advocate for Petitioner.

Mr. S. N. Chandrachood, Advocate for Respondents.

CORAM : A.S. GADKARI, J.**DATE : 23rd DECEMBER, 2021.****PC. :**

1. In pursuance of Order dated 17th November 2021, the Court Commissioner appointed by the Trial Court, namely, Shri Sanjiv G. Oak, an Architect by profession has submitted its report along with a map thereof. On the map annexed to the report, it is categorically stated that, the carpet area of suit premises is 779.21 sq.ft. equivalent to built up area of 956.92 sq.ft.

2. In view thereof, the pleadings in para No.9 of Application filed below Exh.25 by the Respondents/Plaintiffs is modified to that extent and the Plaintiffs are permitted to incorporate amendment to the area of suit premises as 779.21 sq.ft of carpet area.

The impugned Order dated 3rd February 2021 passed below Exh.25 in Civil Suit No.319 of 2018 is modified to that extent.

3. In view thereof, nothing further survives in the present Petition and is partly allowed in the aforesaid terms.

4. The learned Judge of the Trial Court may consider to expedite the hearing of present suit, as may be permissible as per its schedule.

[A.S. GADKARI, J.]

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