

Sayali Upasani

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

**APPEAL FROM ORDER NO.1088 OF 2022  
WITH  
INTERIM APPLICATION NO.- 20352 OF 2022**

Ajit Narayan Jakhadi ...Appellant

**Vs.**

Mainak Mahendra Mashurwala And ...Respondents  
Another

Ms. Shraddha Achliya i/b Mr. Rajesh Parab a/w Mr. Amol  
Chile, for Appellant.

Mr. Yashodhan Dinkar a/w Mr. Yash K. i/b Dinkar and Co.,  
for Respondent No. 1.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 15<sup>th</sup> MARCH, 2023**

**PC:-**

- 1) Heard the learned Counsel for the parties.
- 2) The challenge in this Appeal is to an order dated 21<sup>st</sup> September, 2022, whereby the learned Judge, City Civil Court modifying the order dated 9<sup>th</sup> November, 2021, directed that an Architect from the panel of Architects be appointed as the Court Commissioner instead of an Advocate Commissioner.

- 3) Pursuant to an order dated 22 February 2023 passed by this Court, the Architects appointed by this Court have submitted the reports.
- 4) Since two Architects appointed by this Court have submitted the reports, let these reports be placed before the City Civil Court.
- 5) The parties shall be at liberty to file affidavits before the City Civil Court to deal with the reports submitted by the Architects.
- 6) The City Civil Court shall consider the reports of the Commissioners, including the Architects – Commissioners, for the purpose of determination of the pending proceedings and the proceedings which may be filed.
- 7) With the aforesaid clarification, the Appeal stands disposed.
- 8) Interim Application also stands disposed.

**[N. J. JAMADAR, J.]**