



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6103 OF 2025

SUMIT S/O RAVINDRA BISWAS

VERSUS

V AND M BUILDERS AND DEVELOPERS, THR. PARTNER, DR. MANOJ G.
DEODEKAR, AMRAVATI

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. P.R. Agrawal, Advocate for Petitioner.
Mr. B.H. Sheikh, Advocate for Respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 17th DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner as well as learned Advocate for the respondent.

2. The petitioner has challenged the interim orders dated 02.09.2025 and 15.09.2025, passed by the Court of 13th Joint Civil Judge Senior Division, Amravati, during consideration of the application filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure (for short, "CPC"), which is filed at Exhibit 21 in Special Civil Suit No.259 of 2025.

3. The controversy involved in the suit is with respect to the settlement of accounts about the construction carried out by the plaintiff on the site of defendant. By order dated 02.09.2025, the trial

court has directed the defendant not to use the machinery as mentioned in the list filed on record and by order dated 15.09.2025, the court has appointed a Court Commissioner. Both these orders are subjected to challenge by way of instant petition. By order dated 10.10.2025, while issuing notice in this petition to the respondent, this Court had directed the parties to maintain *status quo*.

4. Having regard to the entire controversy involved, it is clear that the main application under Order 39 Rule 1 and 2 of CPC, filed by the plaintiff at Exhibit 21, is pending before the trial court, in which reply is also filed and the said application is yet to be taken up for hearing. Thus, the controversy involved in the petition with respect to the orders dated 02.09.2025 and 15.09.2025, can be decided while deciding the application at Exhibit 21.

5. In view of this, the writ petition is disposed of by directing the trial court to decide the application at Exhibit 21, after affording an opportunity of hearing to both the parties, within a period of one month from today.

6. During this period, parties are directed to maintain status quo as regards the order dated 02.09.2025 and 15.09.2025.

(PRAFULLA S. KHUBALKAR, J.)