



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

WRIT PETITION NO.7339 OF 2025

Shri Amarsukh Builders Through its Authoised Officer, Amravati
Vs.
Vijay @ Arjuns Shankarsa Mamarde and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.M. Pande, Advocate for the Petitioner.
Mr. N.A. Lapalikar, Advocate for Respondent No.1.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 01st APRIL, 2026

1. Heard learned counsel for the petitioners as well as the learned counsel for the respondent No.1.
2. By this petition, the petitioner has challenged the order dated 30.07.2025 passed by the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench Nagpur, by which the agreement was referred for calling upon the handwriting expert's opinion under Section 38(9) of the Consumer Protection Act, 2019 (for short "the Act").
3. Although the petitioner has prayed for permission to discard the report of the handwriting expert, it is now pointed out that the report of handwriting expert has already been produced before the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench Nagpur and the petitioner now desires to cross-examine the handwriting expert in respect of the report submitted by him.

4. It is submitted that the proceedings under Section 72 of the Act, are pending before the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench Nagpur and in the said proceedings the respondents are insisting for deposit of the amount of consideration to the tune of Rs.80,00,000/- alongwith interest during the pendency of the proceedings. However, the respondent No.1 has denied the said contention.

5. Although the order calling upon handwriting expert's opinion was questioned, in view of the fact that the handwriting expert has already submitted the report before the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench Nagpur, the grievance raised in the petition does not survive. It is therefore, directed that the proceedings under Section 72 of the Act, pending before the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench Nagpur, shall proceed and be decided in accordance with law.

6. In this regard, learned counsel for the respondent No.1, on instructions, makes a statement that the respondents will henceforth not insist for depositing of the amount of consideration during the pendency of the proceedings.

7. In view of above, the writ petition is **disposed of** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel