

IN THE HIGH COURT OF BOMBAY AT GOA.

MISCELLANEOUS CIVIL APPLICATION NO. 300 OF 2002.

IN

FIRST APPEAL NO. 157 OF 2002.

M/s. Mohimmit Enterprises,  
represented by its Proprietor,  
Shri Umakant Shanta Nagwekar,  
310, Govinda Bldg., Panaji.

... Applicant.

Versus

1. Narayan B. Chodankar,  
Proprietor of M/s.  
Prasad Garage, Bastora  
Tiska, Bardez Goa.
2. The Oriental Insurance  
Co. Ltd., represented by  
its Branch Manager, Gouveia  
Bldg., Panaji.

... Respondents.

Mr. John Lobo, Advocate for the Applicant.

Mr. V. Korgaonkar, Advocate for the Respondent No. 1.

Coram: P.V. HARDAS, J.

Date: 28th November 2002.

ORAL ORDER.

This is an application filed by the applicant seeking the appointment of a Commissioner to inspect the vehicle before taking delivery of the same from the garage of the respondent no. 1.

2. I have heard Mr. Lobo, learned counsel appearing for the applicant and Mr. Korgaonkar, learned counsel appearing for the respondent no. 1. Both the learned counsel agree that Mr. V.P. Usgaonkar, Registered Insurance Surveyor, Panaji, be appointed as a Commissioner to inspect the vehicle and submit his report

to this Court. The applicant to take delivery of the vehicle after the Commissioner inspects the vehicle. Mr. Lobo also undertakes to pay the charges of the Commissioner for the inspection of the vehicle.

3. Accordingly Mr. V.P. Usgaonkar, Registered Insurance Surveyor, is appointed as a Commissioner, who shall take inspection of the vehicle in the presence of the parties and/or their counsel on 9th December 2002. The said vehicle is reported to be kept in the garage of respondent no. 1 at Bastora, Tiska, Bardez Goa. The applicant to take delivery of the said vehicle after the Commissioner inspects the vehicle. The Commissioner is directed to submit his report within one week of the inspection of the vehicle. The applicant has undertaken to pay the Commissioner his fees for inspection of the vehicle and, accordingly, the Commissioner shall on 9th December 2002, when he inspects the vehicle, submit his bill to the applicant and the applicant shall on receipt of the bill pay the Commissioner the amount mentioned therein before taking delivery of the vehicle.

4. The respondent no. 1 in his reply has stated that his bill for repairing the vehicle is Rs. 16,550/-. The applicant shall deposit the said amount in this Court within one week from today and, at any rate, before the applicant takes delivery of the vehicle. The applicant

undertakes not to take delivery of the vehicle without depositing the amount of Rs. 16,550/- in this Court.

5. Miscellaneous Civil Application is disposed of accordingly. Writ be issued to the Commissioner. Service by hamdust at the request of the applicant allowed.

(P.V. HARDAS)  
JUDGE.

ed's.