

Opinion issued November 24, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00577-CV

**IN RE DR. SANJAY KHANDUJA, INDEPENDENT ADMINISTRATOR
WITH WILL ANNEXED IN THE ESTATE OF DR. R.K. DHINGRA A/K/A
RAKESH K. DHINGRA, DECEASED, Relator**

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Dr. Sanjay Khanduja, Independent Administrator with Will Annexed in the Estate of Dr. R.K. Dhingra, also known as Rakesh K. Dhingra, Deceased, has filed a petition for a writ of mandamus challenging the trial court's order denying his motion for leave to designate expert witness and inspect property after the expiration of the expert designation deadline set by the trial court.

We deny relator's petition for writ of mandamus.¹

Mandamus is an extraordinary remedy that is only available in limited circumstances. *See Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992). In the case of a challenge to a decision within the trial court's discretion, mandamus will only issue where relator establishes that "the trial court failed to reach the only reasonable conclusion." *In re Memorial Hermann Hosp. Sys.*, 464 S.W.3d 686, 698 (Tex. 2015). Discovery matters are generally within the trial court's sound discretion, but "mandamus will issue to correct a discovery order if the order constitutes a clear abuse of discretion and there is no adequate remedy by appeal." *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 941 (Tex. 1998).

Relator has not demonstrated that the trial court committed an abuse of discretion by denying relator's motion for leave to designate expert witnesses and inspect property after the expiration of the expert designation deadline set by the trial court. *See Flores v. Fourth Court of Appeals*, 777 S.W.2d 38, 41 (Tex. 1989) ("The scope of discovery and the admission of evidence is principally within the discretion of the trial court.").

¹ The underlying case is *Estate of Dr. R.K. Dhingra, a/k/a Rakesh Kumar Dhingra, Deceased v. David Scheffler, Individually, the 2525 Brothers, L.P. d/b/a Venture Holdings, Inc., and Venture REO Services, L.P.*, Cause No. 396745-403, in Probate Court No. 1 of Harris County, Texas, the Honorable Jerry Simoneaux presiding.

Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a), (d). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Keyes, Hightower, and Countiss