

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6764 OF 2011

PRAVINKUMAR JINABHAI PATEL
VERSUS
KALPITA BUILDERS PVT. LTD. THR. DIRECTOR

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Advocate for Petitioner : Mr. Bajaj Anil S.
Advocate for Respondent : Mr. S. B. Yawalkar

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CORAM : V. K. JADHAV, J.

DATED : 21st SEPTEMBER, 2015

P.C. :-

Learned counsel for the petitioner submits that during pendency of this writ petition, the suit is finally decided and dismissed by the trial court. Being aggrieved by the same, original plaintiff has preferred appeal which is still pending. The learned counsel further submits that the petitioner may be granted liberty to raise the ground as if the petitioner/original defendant preferred separate appeal in view of the provisions of Order 41 Rule 22 of C.P.C.. However, such liberty is not required while disposing of present writ petition, because the course as provided in Order 41 Rule 22 of C.P.C. is always open to the petitioner. The writ petition is disposed of as infructuous. No costs.

(V. K. JADHAV, J.)

rlj/

