

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.6685 OF 2014**

|                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| M/s. Aditya Birla Retail Limited. | ] | ... Petitioner/<br>(Orig. Plaintiff) |
| Versus                            |   |                                      |
| M/s. Krishna Developers Pvt. Ltd. | ] | ... Respondent/<br>(Orig. Defendant) |

Mr. S. R. Page for Petitioner.

**CORAM :- M. S. SONAK, J.**  
**DATE    :- JULY 29, 2015**

**P. C. :-**

1.            There is no necessity to entertain this petition. However, the learned Counsel for Petitioner is right in his submission that the Trial Court, at the stage of framing of preliminary issue, was not required to go into the contention of the parties and thereafter express opinion on the merits of the issue so raised. Despite this, there is no necessity to entertain this petition which can be disposed of with the observation that the Trial Court, at the stage of deciding the issue which is directed to be framed, shall not permit itself to be influenced by any of the observations made in the impugned order. The issue shall be decided on its own merit and in accordance with law.

2. With the aforesaid observation, this Writ Petition is disposed of.

3. All concerned to act on basis of authenticated copy of this order.

**(M. S. SONAK, J.)**