

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9789 OF 2015

M/s. Lalitkumar & Company & Anr.	..	Petitioners
VS.		
Hasmukh N. Shah & Ors.	..	Respondents

Ms E. A. Gonsalves for Petitioners.
Mr. Vijay M. Vaghela for Respondent No. 5.

CORAM : M. S. SONAK, J.
DATE: 20 OCTOBER 2015

P.C. :-

1] The learned counsel for the Petitioners states that the Petitioners will be satisfied if leave is granted to the Petitioners to challenge the impugned order dated 10 August 2015 in a substantive appeal, should an occasion arise to institute one, upon RAE Suit No. 1640/2388 of 2006 being decided against the Petitioners.

2] The impugned order dated 10 August 2015 merely declines the framing of an issue. If ultimately, the suit is decided against the Petitioners, the Petitioners would be entitled to challenge the impugned order in the substantive Appeal, which the Petitioners may choose to institute against final determination by the Trial Court. In such circumstances, liberty is granted to the Petitioners in the aforesaid terms.

3] It is made clear that this Court has not examined the merits of the matter and therefore, all contentions of all parties are left open for determination at the appropriate stage.

4] This Petition is accordingly disposed of with liberty as aforesaid.

(M. S. SONAK, J.)

Chandka