

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9489 OF 2014**

**Oscar Builders Private Limited**

**.. Petitioner**

**Versus**

**Wah Restaurants Private Limited and others**

**.. Respondents**

**Mr. M. S. Bhandari with Mr. Rupesh Mandhare i/by Mr. Sean Wassooden, for the Petitioner.**

**Mr. Rahul Narichania, Senior Advocate with Mr. Prathamesh Kamat i/b M/s. Desai Desai Corrimjee & Mulla, for Respondent No.1.**

**CORAM : R.M. SAVANT, J.**

**DATE : 09<sup>th</sup> FEBRUARY, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 27<sup>th</sup> August, 2014, passed by the Learned Judge of the City Civil Court, Mumbai, by which order the Court has ruled upon the document at Item No.11 on page No.29 from list Exh.6 which is in the nature of a chart and for the reasons recorded has ruled that the said document cannot be admitted in evidence. The Trial Court has further observed that consequently at this juncture the document is not admissible in evidence. The said order relating to a document on which the Petitioner/ Plaintiff relies upon in the suit can therefore, be said to be an interlocutory order passed in the suit. The suit is set down for arguments.

Hence, it is not necessary for this Court at this stage to go into the challenge as regards the impugned order. By leaving the challenge open to the Petitioner to be raised after the suit is finally decided, the above Petition is disposed of. Needless to state that the contentions of the parties in respect of the challenge to the impugned order are kept open for being urged at the appropriate time.

[R.M. SAVANT, J]