

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11367 OF 2014

Shekhar N. Shetty & Anr.	..	Petitioners
VS.		
Madhavlal N. Pittie	..	Respondent

Ms Kavita A. Shah for Petitioners.

CORAM : M. S. SONAK, J.
DATE : 22 JULY 2015

P.C. :-

1] This petition challenges order dated 24 June 2014, by which the Small Causes Court at Mumbai has declined to frame certain additional issues proposed by the petitioners. The impugned order however permitted framing of one additional issue as proposed by the petitioners as to whether the grounds for eviction incorporated in additional paragraphs 8A and 8B of the amended plaint are barred by law of limitation.

2] Having heard the learned counsel for the petitioners and perused the record, at this stage, it is not necessary to interfere with the impugned order. There does not appear to be any jurisdictional error in the making of the same. However, rather than express any opinion on the merits, it would be appropriate if liberty is granted to the petitioner to challenge the impugned order dated 24 June 2014

under section 105 of the CPC along with the substantive appeal, in case, occasion arises for the petitioners to prefer appeal against any final decree that may be made by the Small Causes Court in the suit.

3] With liberty as aforesaid, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka