

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.64 OF 2015

Mrs. Rajni William Menezes and another .. Petitioners

Versus

Shri. Pravin Virji Maru .. Respondent

Shri. William A. Menezes, for the Petitioner.

Shri. D. S. Sabnis i/by Lex Firmus, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. There is no warrant to interfere with the impugned order dated 25.02.2014 in which it is observed that the objection raised vide Exh.81 shall be considered at the time of delivering judgment in the present suit and the contentions raised in Exh.81 and Exh.82 shall form part of the arguments on behalf of the Plaintiff and the Defendant respectively. The said observations of the Trial Court have their basis in paragraph 75 and 76 of the Full Bench Judgment of this Court reported in 2008(6) Bom. C. R. 519 in the matter of Hemendra Rasiklal Ghia & Ors. Vs. Subodh Mody & Ors. The Trial Court would therefore be well advised to consider the objection prior to it delivering the judgment in the suit in question. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]