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

**WRIT PETITION NO.293 OF 2015**

Nancy D'souza & Ors.

..Petitioners

**-Versus-**

Anantashram Trust & Ors.

..Respondents

.....  
Mr. Bhushan P. Malgaonkar for the Petitioners.  
.....

**CORAM: A. S. OKA AND  
A. P. BHANGALE, JJ.**

**DATE :- 19<sup>th</sup> MARCH, 2015.**

PC.:

The learned counsel appearing for the Petitioner states that he will file vakalatnama for the Petitioners. The only substantive prayer made in this Petition is the prayer clause (b) which reads thus:-

“(b) Be pleased to issue a writ, order, direction to decide all the questions of law mainly with respect to interpretation of the Constitution to be considered by the Hon'ble City Civil Court Judge at Thane in the Civil Suit No.991 of 2014 filed before the Civil Judge (Senior Division) Thane, under Article 228 of the Constitution of India, to determine substantial questions of law as to the interpretation of the Constitution of India, listed above, the determination of which is necessary for arriving at the right decision in the said suit by the Civil Judge, in order to aid the lower Court to come to the right decision and reduce the number of filing of genuine appeals against erroneous orders of the lower Courts in high Court.”

2] A Civil Suit filed by the Petitioners appear to be pending before the learned Trial Judge. The learned trial Judge before whom the suit is pending, is bound to frame all relevant issues in accordance with Order XIV of the Code of Civil Procedure, 1908 and is bound to decide the issues in accordance with law.

3] Therefore, the prayer made in this Petition under Article 226 of the Constitution of India is completely misconceived. If the Petitioners are aggrieved by any particular order passed by the learned trial Judge, the Petitioners can adopt an appropriate remedy for challenging the said order. The Writ Petition is accordingly disposed of. All contentions of the parties in the pending suit are expressly kept open.

**(A. P. BHANGALE,J.)**

**(A. S. OKA, J.)**