

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4342 OF 2015

M/s. Ekdant Housing, Through its Partner.] ... Petitioner

Versus

Shri Prabhakar Konda Vaidya.] ... Respondent

Mr. S. M. Oak i/b Mr. Pranil Sonawane for Petitioner.
None for Respondent.

CORAM :- M. S. SONAK, J.
DATE :- APRIL 27, 2015

P. C. :-

1. This petition is directed against the order dated 27/11/2014 which merely deferred the Respondent's application under Order 41 Rule 27 of the CPC to the stage of hearing on the main appeal.

2. There is no jurisdictional error in the making of the impugned order. However, the learned Counsel for Petitioner expresses apprehension that in case the learned District Judge decides to admit additional evidence, there will be no opportunity to the Petitioner with regard to meeting the same. There is no basis for such an apprehension. This is because, at the stage of final hearing of the

appeal, if the learned District Judge comes to the conclusion that there is necessity to admit additional evidence, some reasonable opportunity will be afforded to the Petitioner to deal with the same.

3. Therefore, with the aforesaid observation, the present petition is disposed of.

4. All concern to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)