

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 48 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Devmani Shukla, Advocate for the Petitioners.

Mr. Mukesh Dubey, Advocate for the Respondent.

CORAM: R.G.KETKAR, J.

DATE : 21/11/2015

PC:

1. Heard Mr. Devmani Shukla, learned counsel for the petitioners and Mr. Mukesh Dubey, learned counsel for the respondent at length.

2. By this Petition, original defendants have challenged the Judgment and order dated 10.11.2014 passed below Exh.130 (Exh.A) as also the judgment and order dated 10.11.2014 in unregistered Notice of Motion (Exh.C) in S.C. Suit No.2307 of 2009 passed by the learned Judge, City Civil Court, Greater Mumbai. By these orders, the learned trial Judge rejected the application taken out by the

defendants at Exh.130 seeking permission to take out Notice of Motion for impounding of documents of the plaintiff as also dismissed unregistered Notice of Motion tendered by the defendants for an order to impound documents, i.e. Affidavit and General Power of Attorney, both dated 15.9.1998.

3. Mr. Dubey states that S.C. Suit No.2307 of 2009 was decreed by the learned trial Judge on 2.10.2015.

4. In view thereof, the petitioners' grievance against the impugned orders cannot be entertained in this Petition. The Petition fails and is dismissed. However, in terms of Section 105(1) of C.P.C, if the defendants prefer Appeal challenging the decree, any error, defect or irregularity in the impugned order affecting the decision of the case, may be set forth as a ground of objection in memorandum of Appeal.

(R.G.KETKAR, J.)