

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8464 OF 2014

Niranjan Mulchand Shroff	..	Petitioner
VS.		
Kamlesh Singh H. Chowhan	..	Respondent

Ms Vidya Nair for Petitioner.

Mr. Vivek Kantawala with Mr. Amey Patil i/b. Vivek Kantawala & Company for Respondent.

CORAM : M. S. SONAK, J.
DATE: 25 JUNE 2015

P.C. :-

1] This petition is directed against the order dated 21 September 2013, by which the appellate bench of the Small Causes Court has set aside order dated 20 February 2013 made by the Small Causes Court framing a preliminary issue.

2] The impugned order, does not dismiss or reject the objection as to jurisdiction or other defences raised by the petitioner. All that the impugned order states is that the framing of preliminary issue was not proper and that the defences raised by the petitioner shall have to be taken up along with all other issues which arise in the matter.

3] If the objections / defences raised by the petitioner are taken into consideration, then it cannot be said that the appellate bench, in making the impugned order has either failed to exercise jurisdiction or exercised its jurisdiction illegally or with material irregularity. In fact, in the facts and circumstances of the present case, the approach of the appellate bench was proper.

4] There is no reason to entertain the present writ petition, which is consequently dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka