

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4836 OF 2016

Pushpawati Banshilal Jain And Anr.

...Petitioners

Versus

M/s Mani Realty Pvt. Ltd. And Anr.

...Respondents

....

Mr. M. Sunder T.K.S. Mani, for the Petitioners.

Ms. Prachi G. Jadhav i/b. J.V. Parmar, for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 14th SEPTEMBER, 2016

P.C.

1. Heard Mr. M. Sunder T.K.S. Mani, learned Counsel for the petitioners and Ms. Prachi Jadhav, learned Counsel for respondent No.1.

2. By this Petition under Article 227 of the Constitution of India, defendants No.2 and 3 have challenged the judgment and order dated 25.1.2016 passed by the learned Judge, presiding over Court Room No.8 of the Small Causes Court at Mumbai below Exhibit-36 in R.A.E. & R. Suit No.379/560 of 2010. By that order, the learned trial Judge rejected the application filed by defendants No.2 and 3 for recasting issues. As the impugned order is purely interlocutory, I decline to exercise the power under Article 227 of the Constitution of India. Hence, Petition fails and same is rejected.

3. It is made clear that where a decree is challenged by the petitioners, any error, defect or irregularity in impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of the proposed proceedings as contended by section 105(1) of C.P.C..

(R. G. KETKAR, J.)

Deshmane (PS)