

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

WRIT PETITION NO. 6663 OF 2016

Alifia Abuzer Zakir & ors.

... Petitioners

v/s

M/s.Kamruddin Adamji & Co. & ors.

... Respondents

Mr.A.A.N. Nasikwala for the petitioners.

Mr.Firoz Bharucha along with J.M.Lokhandwala i/by Pandya & Poonawala for Resp. Nos.1, 3 and 4.

Coram: N.M. Jamdar, J.

Dated: 28 September 2016

P.C.:

Not on board. Taken on production board in view of the *praecipe* filed by the Petitioners.

2 The Petitioners challenge the order passed by the learned City Civil Court Judge, dated 1 April 2016, wherein the application filed by the Petitioners for issuance of summons to Defendant No.5 to be examined as a witness of the Plaintiffs, was rejected. It is informed that the suit is kept for final disposal tomorrow i.e. 29 September 2016. The order impugned is interlocutory. There is no revision or

appeal provided against such an order and under Section 105 of the Code of Civil Procedure it is open to the Petitioners to take up the contentions in the appellate proceedings.

3 Keeping all the contentions of the parties open to be agitated in the appellate proceedings under Section 105 of the Code of Civil Procedure, the writ petition is disposed of.

(N. M. Jamdar, J.)