

JPP

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

WRIT PETITION NO. 8145 OF 2016

Mr. Parvat Kisan Mondhe.

... Petitioner.

V/s.

Mr. Kachru Kundlik Daware & Ors.

... Respondents.

Mr. Rahul Motkari for the Petitioner.

None for the Respondents.

CORAM : N.M. Jamdar, J.

25 August, 2016.

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. The Petitioner challenges the order passed by the learned Civil Judge, Junior Division, Igatpuri below Exhibit 56 in Regular Civil Suit No. 51 of 2010. The Application has been filed by the Petitioner for framing/recasting the issues. It is informed that the Suit is now at the stage of final arguments. Even though the issues have not been framed as the Petitioner desires, the Petitioner can always address the Court in furtherance of his case and merely

because the issues are not framed, the Petitioner in law is not precluded from presenting his case. Apart from this position, the order impugned being purely interlocutory, can be assailed by the Petitioner in the appellate proceedings as per Section 105 of the Code of Civil Procedure. Therefore, no prejudice will be caused to the Petitioner. The Writ Petition is accordingly disposed of with clarifications as above.

(N.M. Jamdar, J.)