

Civil Court Judge will no doubt take note of the arguments of the Petitioner and the Respondents at the time of hearing of the suit and pass appropriate orders. Merely because the issues are so framed does not mean that the Petitioner is precluded from arguing all contentions which are available in law and facts. In the circumstances, since no prejudice is caused to the parties, as all contentions are open at the time of trial, no interference in the impugned order is warranted. At least, Union of India should have refrained from adding to the burden of this Court by not filing such Writ Petitions. The Writ Petition is rejected. In view of disposal of Writ Petition, nothing survives in the Civil Application and the same is disposed of accordingly.

(*N.M.JAMDAR J.*)