

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 9211 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Jitendra Patil i/b Hira Gummalafor the Petitioner.

Mrs. Parvathy K. Iyer i/b R. K. Shetty for the Respondent.

CORAM : K. K. TATED, J.

DATED : 08/08/2016

PC.:

. Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 By this petition under Article 227 of Constitution of India, the Petitioner original Defendant No.1 is challenging the order dated 28.06.2016 passed by Bombay City Civil Court at Dindoshi in Notice of Motion No. 2157 of 2015 in S.C. Suit No. 1616 of 2011 rejecting defendant No.1's application praying that affidavit filed at Exh. 37 by the plaintiff be returned as the same is filed beyond the pleading in the plaint.

3 When this Court called upon the learned Counsel for the petitioner to point out under which

provision, he can prefer such type of motion, he fairly admitted that there is no provision under Code of Civil Procedure, 1908.

4 If there is no provision under Code of Civil Procedure, 1908, then there is no question of entertaining the Writ Petition.

5 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)