

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10092 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.Amit B. Borkar, Advocate for Petitioner.
Mr.B.N. Shukla i/b. M/s.B.N. Shukla & Co., for the Respondent.

CORAM : R. G. KETKAR, J.

DATE : 30/08/2016

P.C.:

1. Not on board. At the request of Mr.Borkar taken up for admission.
2. Heard Mr.Amit Borkar, learned Counsel for the petitioner and Mr.B.N. Shukla, learned Counsel for the respondent, at length.
3. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 9.6.2016 passed by the learned Appellate Bench of Small Causes Court at Mumbai below Exhibits-35 and 37 in A(1) Appeal No.43/2011. By order dated 9.6.2016 below Exhibit-35, the Appellate Court allowed the application made by the petitioner for framing additional issues as per paragraph-6 of the application. By order dated 9.6.2016 below Exhibit-37, the Appellate

Court allowed the application made by the respondent for taking the certified copies of the judgment and order passed by the High Court in Suit No.224/1961 filed on the Original Side of this Court.

4. In my opinion, the impugned orders are purely interlocutory. Hence, no case is made out for interfering with the impugned orders. Petition fails and the same is dismissed.

5. It is made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contended by section 105(1) of C.P.C.

(R. G. KETKAR, J.)