

Sequeira

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

***CIVIL REVISION APPLICATION NO. 505 OF 2016
Along with
CIVIL APPLICATION NO. 595 OF 2016***

Hemant Achyut Desai.

.. Applicant

Vs.

Dashrath M.Yadav & ors.

.. Respondents

Mr.Madhusoodan Nair a/w Sharad Agre i/b KPMC Legal, for Applicant in both matters.

Mr.R.M.Pandey, for Respondent No.1.

Mr.Vinod Mahadik, for Respondent No.2-BMC.

***CORAM : N.M.Jamdar, J.
Wednesday, 24 August 2016.***

P.C. :

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

2. The Applicant challenges the order dated 15 June 2016 wherein the learned City Civil Court Judge Mumbai, has adjourned the recording of Plaintiff's witness. By allowing the Advocate for the Plaintiff to examine some other witness. It is contended by the learned counsel for the Applicant that the ground put forth that the Plaintiff has lost his memory cannot be a reason for permitting the Advocate for the Plaintiff to examine some other witness as it may be possible that the Plaintiff may regain his memory. The order of

challenge is purely interlocutory. While proceeding with the suit, Judge is entitled to pass orders which are discretionary in nature. Such orders ultimately will culminate into a final decision and if the final decision is against the Applicant, the Applicant can always challenge the final decision including the order impugned in this Revision application. In view of Section 105 of the Code of Civil Procedure keeping all contentions of the parties open in respect of this impugned order and the proceedings in appeal, Revision Application is accordingly disposed of. The Civil Application also stands disposed of.

(N.M.Jamdar, J.)