

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

WRIT PETITION NO. 9392 OF 2011

M/s.RS M. Mohite and Co.

... Petitioner

v/s

City and Industrial Development
Corporation of Maharashtra

... Respondent

Mr.M.Narvikar i/by S.s.Patwardhan for the petitioner.

Mr.G.S.Hegde i/by G.S.Hegde & Asso. for the respondent.

Coram: N.M. Jamdar, J.

Dated: 3 October 2016

ORAL ORDER:

The order impugned in this petition is dated 29 March 2011, by which the Respondent/Plaintiff was permitted to lead secondary evidence. The petition was once dismissed for default and then restored.

2 I have perused the impugned order. Considering the facts and circumstances and availability of remedy of Section 105 of the Code of Civil Procedure wherein challenge to the interlocutory orders of such nature can be kept in appellate proceedings, it is not necessary to

interfere with the impugned order. The challenge to the impugned order is kept open to be agitated in the appellate proceedings as per the provision of Section 105 of the Code of Civil Procedure.

3 The writ petition is accordingly disposed of.

(N. M. Jamdar, J.)