

VPH

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

WRIT PETITION No. 13269 OF 2016

M/s. Rashmi Enterprises and Anr.Petitioners

Vs.

Mr. Subhash Damodar Tigde & Ors.Respondents

Mr. Dilip Bodake, for the Petitioners

Mr. Sachin Tigde, for Respondents

**CORAM : V. M. KANADE &
Ms. NUTAN D. SARDESSAI, JJ.**

DATE : DECEMBER 21, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioners and the learned counsel appearing on behalf of the Respondents.
2. The grievance of the Petitioners is that the Consumer Court is not deciding the preliminary issue, which was raised by them. Secondly, it is submitted that though virtually an order was passed by the Consumer Court, holding that preliminary issue raised by the Petitioners would be decided first, the said order has not been changed and the matter is placed for final hearing on 17.3.2017. It is submitted that the judgment on which the reliance is placed in support of the submissions has also not been accepted. Thirdly, it is submitted that the Petitioners have

remained present on each and every date through his counsel.

3. In our view, since the Consumer Court has decided to hear the matter finally on 17.3.2017, we are not inclined to interfere with the said order. All the contentions raised by the Petitioners are kept open. The Consumer Court may decide all the issues expeditiously, on merits and in accordance with law. Writ petition is disposed of in the aforesaid terms.

Sd/-
Ms. NUTAN D. SARDESSAI, J.

Sd/-
V.M. KANADE, J.