

Sequeira

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

WRIT PETITION NO. 1234 OF 2016

Mr.Jitendra Rajaram Sawant.

... Petitioner

Vs

Dr.Hari Tulshiram Gholap & ors.

... Respondents

Mr.Nitin Deshpande a/w Mr.Mihir Raut, for the Petitioner.

Mr.Abhijit Kulkarni, for Respondent Nos.1 & 2.

***CORAM : N.M.Jamdar, J.
Tuesday, 6 September 2016.***

P.C. :

By this Petition the Petitioner challenges the order dated 2 December 2015 passed by the learned Civil Judge Senior Division Pune, below Exhibit 332 in Summary Suit No.207 of 2009 instituted by the Respondents-Plaintiffs.

2. By the impugned order the application made by the Petitioner-Defendants for recasting certain issues was rejected. The order is purely interlocutory. The learned Civil Judge after considering the dispute has found it unnecessary to recast the issues as sought for by the Petitioner. Even if issues are not specifically framed Petitioner is not precluded from advancing his case on merits as per law. Since no prejudice is caused to the Petitioner, interference in the impugned order is not warranted. Writ Petition is accordingly rejected.

(N.M.Jamdar, J.)