

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.340 OF 2016

[Rajendra Dnyanoba Murkute v. Smt. Latika Shivaji Kalbhor & Ors.]

Office Notes, Office
Memoranda of Coram, Court's or Judge's Orders
appearances, Court's
orders or directions
and Registrar's orders

Mr. Rahul Kulkarni, for the petitioner.

CORAM : R.G. KETKAR, J.

DATE : 21st JANUARY, 2016

P.C. :-

. Not on board. At the request of Mr. Kulkarni, taken up for admission in the production board.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as 'defendant No.4', has challenged the judgment and order dated 23.11.2015 passed by the learned Jt. Civil Judge, Senior Division, Pune below Exh.126 in Special Civil Suit No.966 of 2009. By that order, learned trial Judge rejected the application made by defendant No.4 for review of the order passed below Exh.124.

3. Mr. Kulkarni, submitted that Petition has been

rendered infructuous as Special Civil Suit itself is decided on 13.1.2016. He submitted that liberty may be reserved to challenge the order below Exh.124 and the impugned order, as contended under Section 105(1) of Civil Procedure Code.

4. In view of the above, Petition is disposed of as infructuous with liberty as prayed for. 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 Civil Procedure Code. Order accordingly.

(R.G. KETKAR, J.)