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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELATE JURISDICTION

CIVIL WRIT PETITION NO.2528 OF 2017

Jayesh Dhirajlal Bhatt

..Petitioner.

V/s.

Salil Mahendra Shah & Ors.

..Respondents.

Mr.Jayesh Bhatt for the Petitioner.

Ms.Ranjana Parikh for Respondent Nos.1 to 3.

Coram : N.M.Jamdar, J.

Date : 23 March 2017

P.C. :-

The Petitioner has challenged the order dated 25 November 2016 passed by the learned Small Causes Court below Exhibit-19 in L.E. Suit No.07/09 of 2013 of framing an additional issue.

2. The Scheme of the Maharashtra Rent Control Act, 1999 does not provide a revision nor appeal against the such purely interlocutory orders. This legislative intent cannot be overridden by exercising power of superintendence in each and every order, even incorrect, unless gross failure of justice is noted. In the present case,

the defence is taken by the Petitioner pursuant to which an additional issue is framed. Merely because an issue is framed does not mean that the rights of the parties stand adjudicated. Framing of issues is primarily to focus attention to the controversy involved. No case is made out for interference in the impugned order. Keeping all contentions on merits open, the writ petition is disposed off.

(N.M.Jamdar, J.)