

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

WRIT PETITION NO. 9576 OF 2017

Shri. Kisan Maliram Agarwal

...Petitioner

Versus

Shri. Ajay Jaywant Patil

...Respondent

Mr.I. M. Khairdi for the Petitioner.

Mr.Nishigandh Nandkumar Patil for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 23rd AUGUST 2017

P.C.

1. Not on board. Upon production, taken on board.
2. Heard learned counsel for the parties.
3. I am satisfied that there is no case made out to exercise the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India. However, it is made clear that in case the suit is ultimately decided against the petitioner and the petitioner chooses to institute a substantive appeal against the same, the petitioner will be entitled to challenge the impugned order relying upon the principles set out in Section 105(1) of Civil Procedure Code.
4. With liberty as aforesaid, the present petition is dismissed.

(M. S. SONAK, J.)