

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5775 OF 2016

Phulabai Nathuram Bandal and others ... Petitioners
Vs.
Hanamant Vishnu Bandal and others ... Respondents

Mr. V. S. Talkute for Petitioners.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 23, 2017

P.C. :

Not on Board. At the request of Mr. Talkute, learned Counsel for petitioners, taken up for admission.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 15.09.2015 passed by the learned District Judge below exhibit-38 in Regular Civil Appeal No.209 of 2012. By that order, the learned District Judge dismissed the application made by the appellants / defendants under Order VI, Rule 17 of the Code of Civil Procedure, 1908 for amending the written statement.

3. After arguing the Petition for quite some time, Mr. Talkute states that he has instructions not to press this Petition and the liberty may be reserved to challenge the impugned order in case the appeal is decided against the petitioner.

4. In view thereof, Petition is disposed of as not pressed. However, it is made clear that where a decree is challenged by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of the proceedings as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)