

JPP

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

WRIT PETITION (ST.) NO. 35406 OF 2016

Firoz Fakhruddin Samiwala.

... Petitioner.

V/s.

Smt. Suganda Bhaskar Barve & Ors.

... Respondents.

Mr. Raman Misra a/w. Bhupesh Dhumatkar i/b. A.N. Nasikwala for
the Petitioner.

CORAM : N.M. Jamdar, J.

11 January, 2017.

Oral Order :-

Not on board. Taken on production board by way of
praecipe.

2. By this Petition, the Petitioner has challenged the order passed by the Appellate Bench of Small Causes Court dated 20 October 2016, wherein the Application for additional evidence is to be heard alongwith the final hearing of the Appeal. The learned Counsel for the Petitioner submitted that the additional evidence sought to be produced is germane for adjudication of the Appeal.

There is no reason given in the impugned order and incorrect provision of law has been quoted.

3. The Petitioner has invoked the supervisory jurisdiction of this Court in which no case is made out for interference. The Application of the Petitioner has not been rejected on merits and the Appellate Bench has simply found it convenient to deal with the same at the time of hearing of the Appeal. Therefore, it cannot be said that the Petitioner is prejudiced in any manner. The Writ Petition is accordingly rejected.

(N.M. Jamdar, J.)