

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13735 OF 2016

Shri Sanjaykumar B. Pardeshi

..Petitioner

Vs.

Shri Baliram H. Jadhav and Another

..Respondents

Mr. Anilkumar Patil a/w Mr. Mithun Mahajan, for the Petitioner.

CORAM :- B.P.COLABAWALLA, J.

DATE :- NOVEMBER 22, 2018.

P. C.:

By this Writ Petition, the Petitioner challenges the order dated 11th July, 2016 passed by the learned Civil Judge, Senior Division, Malegaon, District Nashik below Exhibit-61 in Special Civil Suit No. 26 of 2015. Exhibit-61, was an application for amendment of the plaint. This application was allowed by the Trial Court.

2 I have gone through the impugned order. I do not think that it is necessary at this stage to interfere with the impugned order, especially considering Section 105 of Code of Civil

Procedure, 1908 which specifically provides that where a decree is appealed from, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as ground of objection in the Memorandum of Appeal.

3 This being the case, I do not think that this Writ Petition needs to be entertained. It is accordingly dismissed. However, there shall be no order as to costs.

4 It is made clear that if the Petitioner suffers a decree, he will be entitled to take up this contention when the said decree is challenged.

(B. P. COLABAWALLA, J.)