

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 23592 OF 2016

Dhula Hari Sul & Anr. .. Petitioners

vs.

Hanmant Devba Sul & Ors. .. Respondents

Mr. S.M. Railkar, Advocate for Petitioner.

Mr. Sarwodaya S. Kadtane i/b Mr. Kuldeep V. Nikam, Advocate for Respondents.

CORAM : M. S. SONAK, J.

DATE: 27 MARCH 2018

P.C :

- 1] Heard learned Counsels for the parties.
- 2] The challenge in this petition is to the impugned order dated 11.08.2016 passed below Exhibit-301 rejecting the petitioner's application for impounding of documents.
- 3] As of now, the suit is posted for final hearing before Trial Court. At this stage, therefore, it will not be appropriate to entertain the present petition.
- 4] However, in case, the suit is finally decided against the petitioner and the petitioner, decides to institute a substantive appeal to challenge the judgment and decree, then, liberty is granted to the petitioner to challenge the impugned order in such appeal. Such course of action is clearly permissible under Section 105 of CPC.

5] With liberty, as aforesaid, this Petition is disposed off. There shall be no order as to costs.

(M. S. SONAK, J.)

Tendulkar