

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 14075 OF 2018**

Smt. Dhanashri Rahul Kininge

... Petitioner

Vs

Ashok Jinappa Kininge & Ors.

... Respondents

Mr. Akshay A. Kulkarni, advocate for Petitioner.

Mr. Manoj Patil, Advocate for Respondent no. 1 & 2.

**CORAM : SANDEEP K. SHINDE J.**

**DATE : July 9<sup>th</sup>, 2019**

**P.C. :**

1. Heard learned counsel for the parties.
2. Petitioner, is defendant no. 5 in the suit for partition being Regular Civil Suit No. 156 of 2009 instituted by the respondent no. 1 and 2. The defendants' application for issuing witness summons, has been rejected by the Learned Judge vide order dated 28.09.2018, against which this petition is preferred under Article 227 of the Constitution of India.
3. The impugned order being interlocutory in nature, this Court is not inclined to interfere with the order and also for a reason that the

suit has been posted for final arguments of the parties.

4. Impugned order being interlocutory order, petitioner may take objection to error or irregularity of the impugned order in Memorandum of Appeal, filed from the original decree, if impugned order has affected the decision of the case.

5. Petition is dismissed with liberty aforesaid and disposed of.

***(SANDEEP K. SHINDE, J.)***