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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7718 OF 2019**

M/s. Mac Remedies Pvt. Ltd. and othersPetitioners

V/s.

Shri. Lawrence PinheiroRespondent

Mr. Ashish Ved, Mr. Feroj Qureshi i/b Y & A Legal for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 14, 2019.

P.C.

Heard. The order passed by the Court below proceeding Suit without Written Statement against the petitioner-defendant attained finality before the Apex Court.

2 Notice of Motion is taken out by the petitioner in review of the order dated 30/10/2014 passed below Exhibit 16 claiming that petitioners were not granted proper opportunity of hearing i.e. to cross-examine the witness of the plaintiff.

3 The fact remains that, if aggrieved by the final Decree, if any against the petitioner, it is always open for the petitioner to raise such issue in the form of ground before the Appellate Court. Apart from above, there are cogent reasons recorded by the learned Court below for rejecting Notice of Motion.

4 Reliance is placed by the learned counsel for the petitioner on the Judgment of **Shankar Nathuji Khandare Vs. State of Maharashtra & another**¹ is wholly misplaced as such Judgment is dealing with the proceedings under Negotiable Instruments Act. Parameters of degree of granting opportunity of hearing to the accused and plaintiff are altogether different in criminal and civil case.

5 Petition is devoid of merit, stands dismissed.

[NITIN W. SAMBRE, J.]

¹ 2013 (2) Bom.C.R.(Cri.) 145