

enumerated at Exh.N (page No.395) of the Petition.

5. The petition in the present form assailing the observations in a Judgment, which is impugned in an appeal, can not be entertained. Even otherwise, in view of the provisions contained in Order 41, Rule 33 of the Code of Civil Procedure, 1908, the Appellate Court is empowered to pass such appropriate orders as the case may require, and, thus, the petitioner can not be said to have no remedy, if he feels aggrieved by certain observations, though not by the findings of the trial court.

6. In the aforesaid view of the matter, the petition stands dismissed.

(N. J. JAMADAR, J.)