

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 10841 OF 2018

Hafiza Rahiman Pathan ... Petitioner
Vs.
Javeed Jallaluddin Shikalka and Anr. ... Respondents

Mr. I. M. Khairdi, for the Petitioner.
None for the Respondent

CORAM : M. S. SONAK, J.

DATE : MARCH 14, 2019

P.C.:

1. Mr. I. M. Khairdi, the learned counsel for the Petitioner fairly pointed out that since the main suit itself has been disposed of, the reliefs sought in the petition will not survive. However, he seeks leave to challenge the impugned order in the appeal, which the Petitioner has already instituted against the judgment and decree in the main suit.

2. This petition is disposed of with liberty, as prayed for. Even otherwise, in terms of section 105 of the Civil Procedure Code, 1908, the Petitioner would be entitled to challenge the impugned order in the substantive appeal instituted against the decree. Therefore, all contentions raised in this petition are also

kept open for determination of the appellate court.

3. This petition is disposed of with liberty as aforesaid.
There shall be no orders as to costs.

4. All concerned to act on an authenticated copy of this
order.

(M. S. SONAK, J.)