

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION No. 11031 OF 2017
AND
CIVIL APPLICATION No. 280 of 2019**

Sanjay Harakchand Nanawati & Ors. **...Petitioners**
vs.
Lilabai @ Bharti Bachhubhai Shah and Ors. **... Respondents**

Mr.N.R. Bubna for petitioners.

CORAM :- G. S. KULKARNI, J.
DATE :- FEBRUARY 4, 2021

PC :-

1. Heard Mr.Bubna, learned Counsel for the petitioners.
2. The petitioners are original defendants in a suit instituted by the respondents/plaintiffs before the Court of C.J.S.D., Malegaon.
3. By the impugned order dated 1 August, 2017 an application as filed on behalf of the petitioners/defendants to re-frame the suit issues came to be rejected.
4. Having heard Mr.Bubna, learned counsel for the petitioners and having perused the impugned order, at the outset, it is required to be noted that the impugned order is a reasoned order. It is an interlocutory order. In the facts of the case, it would be appropriate that the parties are left to assert their respective pleas on merits in the pending suit. Needless to observe that it would be open to the parties

to assert their contentions if the suit is decided adverse to their interest.

5. The petition is accordingly disposed of, however keeping open all contentions of the parties on merits of the dispute. No costs.

6. The learned trial Judge shall make an endeavour to dispose of the pending suit as expeditiously as possible.

7. In view of disposal of the writ petition, Civil Application No.280 of 2019 would also not survive. It is accordingly disposed of.

(G. S. KULKARNI, J.)

Prajakta
S.
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