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

WRIT PETITION NO.10567 OF 2023

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Nand Dilip Kapadia & Anr.

... Petitioners

V/s.

R.K. Builders & Anr.

... Respondents

Mr. A.S. Pal with Ms. Eram Quraishi i/by Mehta & Padamsey for the petitioners.

Mr. Yash Dhakad i/by Mr. Tushar Goradia for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

PC.:

1. By this writ petition under Article 227 of the Constitution of India, the petitioners/original defendant Nos.1 and 2 are challenging order passed by the Trial Court refusing to expunge two sentences in the examination-in-chief filed by the plaintiff. According to the petitioners, the statements are hearsay and, therefore, inadmissible in evidence.

2. Considering the scope of Article 227 of the Constitution of India, it will be open for the petitioners to raise all contentions at the final hearing of the suit, and if the decree is against the petitioners, they will be entitled to raise such contentions under Section 105(1) of the Code of Civil Procedure, 1908.

3. The writ petition, therefore, stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)