

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6602 OF 2022

Sushiladevi Pannalal Goyal & Anr.

.. Petitioners

Versus

Suresh Rambhau Ladkat & Ors.

.. Respondents

.....

- Mr. P.P. Goyal for Petitioners

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 26.02.2024. Heard Mr. Goyal, learned Advocate for Petitioners.
3. Present Petition was filed in the year 2020. It was finally numbered in the year 2022. Writ Petition challenges interlocutory order dated 12.04.2018 rejecting the Application of Defendants for setting aside “No written statement” order.
4. Suit proceedings was not stayed by the Court. Mr. Goyal would submit that substantive RCS No. 5113/2012 has been partly decreed and partly dismissed by a reasoned judgment dated 17.08.2023. Mr. Goyal has placed a copy of the judgment before me. Same is taken on record. In view of the said judgment, the interlocutory order which is the subject matter of challenge in the present Petition can no longer be

looked into by this Court as rights of the parties have been comprehensively decided by the learned Trial Court and decree has been passed. Defendants who are Petitioners before me have also appeared before the learned Trial Court. Remedy available to the aggrieved party is to file appropriate statutory Appeal in accordance with law which they may avail. In that view of the matter, Writ Petition is dismissed as infructuous. Needless to state that all contentions of Petitioners are expressly kept open if they desire to file the statutory Appeal, but strictly in accordance with law.

5. Writ Petition is disposed as infructuous.

[MILIND N. JADHAV, J.]

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