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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5331 OF 2024**

Vivek Madhavlal Pittie

.....Petitioner

Vs.

Pramodkumar Jagatnarayan

.....Respondent

**WITH
WRIT PETITION NO. 9463 OF 2024**

Vivek Madhavlal Pitte

.....Petitioner

Vs.

Lalji Uditnarayan Dube

.....Respondent

Mr. Bhushan Deshmukh and Mr. Gaurav Srivastava a/w Mr. Arun Unnikrishnan and Ms. Vnshika Shroff i/b Jadeja and Satiya for the petitioner

Mr. Jitendra Mishra a/w Mr. Rupesh Dubey i/b Nilu Mishra for the respondent

CORAM : GAURI GODSE, J.

DATE : 11th JUNE 2025

ORDER:

1. These petitions arise out of an interlocutory order raising a challenge to the orders passed for recasting the issues. It is not a fit case to exercise the powers under Article 227 of the Constitution

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of India. It is always open for the petitioner to raise appropriate ground of challenge under Section 105 of the Code of Civil Procedure, 1908 if the final decree is passed against the petitioner and the appeal is preferred against a final decree.

2. Writ Petitions are therefore disposed of by keeping the liberty open to the petitioner to raise the grounds in view of Section 105 of Code of Civil Procedure, 1908.

[GAURI GODSE, J.]