

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13306 OF 2024

Satyanarayan Bhavarlal Jakhotiya

...Petitioner

Versus

Kisan Construction Pvt. Ltd. through its
Director Jayeshbhai Rameshbhai Patel

...Respondent

Mr. Pradeep Salgar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 14th JANUARY, 2025

PC:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner submits that the additional issues which the petitioner - defendant had proposed to be framed pertain to points of law only and the petitioner – defendant does not propose to lead evidence.
3. Having perused the impugned order, which, *prima facie*, appears to be very brief and does not deal with the aspect of the necessity of the proposed issues from the perspective of questions of law which may arise for the determination, it appears that an arguable question is raised.
4. Issue notice to the respondents, returnable on 4th February, 2025.

5. The petitioner shall serve the respondent by private service and file an affidavit of service.

6. In the meanwhile, the trial court is requested to defer the hearing in RCS/439/2013 till the next date.

[N. J. JAMADAR, J.]