VARSHA VIJAY RAJGURU
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18723 OF 2024

Chandrakant alias Chandu Baburao Kale and Ors … Petitioners

vs.

Jayling Chandrakant alias Chandu Kale and Anr … Respondents

Mr. D.S. Mhaispurkar a/w. Mr. Hrishikesh Pawaskar for Petitioner.
Mr. Bhushan Walimbe a/w. Mr. Priyal Sarda for Respondents.

CORAM : GAURI GODSE, J.
DATED : 30th JUNE 2025

ORDER:

1. Not on board. Taken on production board.

2. This petition is filed by defendant no.1 to challenge order rejecting this application to discard the evidence led by the plaintiffs. This order is purely an interlocutory order. Normally court should be slow in interfering with such order in exercise of discretionary jurisdiction under Article 227 of the Constitution of India.

3. Moreover, the petitioner always has a remedy to challenge the order in appeal in view of Section 105 of the Code of Civil Procedure, 1908 (“CPC”), if the final decree is against the

petitioner.

4. Needless to record that it is also open for the petitioner to argue and raise the points at the time of final hearing of the suit. I do not see any reason to interfere with the impugned order, in exercise of the discretionary jurisdiction under Article 227 of the Constitution of India.

5. Subject to the aforesaid observations and keeping the liberty under Section 105 of the CPC open, the petition is dismissed.

6. All rival contentions of the parties on merits are kept open. Needless to record that since the suit is of 2010, the parties shall cooperate for earlier disposal of the suit.

(GAURI GODSE, J.)