

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7784 OF 2025**

M/s. Gymtech A. Partnership Firm ... Petitioner

VS.

The Municipal Corporation of Greater Mumbai ... Respondent
and Anr

Mr. Abbas Zaidy i/b. Zohair and Co., for Petitioner.

Mr. Santosh Mali for Respondent No.1-BMC.

Mr. Jagdish Jayale for Respondent No.2.

CORAM : GAURI GODSE, J.

DATED : 24th JUNE 2025

ORDER:

1. This petition is filed by the plaintiff to challenge the order rejecting petitioner's application for recasting issues. The impugned order is purely an interlocutory order. Normally, court should be slow in interfering with such interlocutory order in its discretionary jurisdiction under Article 227 of the Constitution of India.

2. In the event the final decree is adverse to the petitioner, it is always open for the petitioner to challenge the impugned order, as permitted under Section 105 of the Code of Civil Procedure, 1908 ("CPC").

3. Hence, subject to the aforesaid observations and keeping the liberty open under Section 105 of the CPC, the petition is dismissed. The contentions of the parties in the suit are kept open.

(GAURI GODSE, J.)