

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## APPELLATE SIDE CIVIL JURISDICTION

## WRIT PETITION NO. 2542 OF 2010

M/s. Castel Enterprises &amp; ors.

....Petitioners.

Vs.

Arjun Mangal Wayle &amp; Ors.

....Respondents.

Mr. S.G. Deshmukh i/by Mr. Abhijit Kandarkar for the Petitioners.

Mr. P. R. Arjunwadkar for Respondent No.1.

**CORAM : ANOOP V. MOHTA, J.****DATE : 31<sup>st</sup> March, 2010****P.C.:-**

1 Not on board. Mentioned in view of urgency. Taken on board.

2 The present Petition is basically against the interlocutory order whereby the impugned order dated 23<sup>rd</sup> March, 2010, the trial Court refused to adjourned/postponed the hearing of Exhibit 5 Application, which was already fixed pursuance to the earlier orders passed by this Court.

3 The learned Trial Judge, on 12<sup>th</sup> February, 2010 already observed in Order at Paragraph No.3 - *“Unless the Plaintiffs complies the payment of Court fee, the other reliefs sought by the Plaintiffs will not be considered, though submissions are advanced on behalf of the Plaintiffs.”* Having once observed the same, the learned Trial Court needs to consider this aspect

while considering Exhibit- 5 also.

4      Therefore, there is no question of interfering with the impugned orders. In view of above, there is no case made out to interfere with the interlocutory order. However, all the points are kept open for the parties to be agitated before the Court at the appropriate time.

5      The Petition is accordingly dismissed, with no order as to costs.

**(ANOOP V. MOHTA, J.)**