

FARAD CONTINUATION SHEET NO.**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD****WRIT PETITION NO.7133 OF 2013****[Trimbak Govinda Sanap vs. Gopinath Buwasaheb Sanap &
Anr.]**Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders

Mr. Ankush N. Nagargoje, Advocate for
petitioner.**CORAM : S.S. SHINDE, J.****DATE : 24TH DECEMBER, 2013****PER COURT :**

. Heard learned Counsel appearing for the petitioner. Being aggrieved by rejection of the application for framing issue of *res-judicata*, this petition is filed. Learned Counsel for the petitioner submits that, subject matter in both the suits is property situated in Survey No. 775. Therefore, according to the Counsel for the petitioner, it will be possible when the evidence is led by the parties

whether subject matter of both the suits is same property or not. However, the application filed by the petitioner has been rejected by the trial Court.

2. Upon hearing the Counsel appearing for the petitioner and upon perusal of the impugned order, *prima facie* conclusion drawn by the trial Court appears to be sustainable. Therefore, this Court is not inclined to interfere in the impugned order. However, after evidence is led by the parties at appropriate stage of the proceedings, it will be open for the petitioner to raise issue of *res-judicata*. With these observations, writ petition stands rejected.

[S.S. SHINDE, J.]