

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 5610 OF 2015

Nivrutti Balaji Aher, deceased,
through legal representatives:-
Machindra N. Aher and ors.

..... Petitioner

vs

Sainath Shankar Khiradkar & ors.

..... Respondents

Mr. Sanket S. Kulkarni, Advocate for petitioner
Mr. S.P. Chapalgaonkar, Advocate for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.
28TH AUGUST, 2015

ORDER:

1. After hearing learned counsel for the parties, it becomes necessary to examine as to whether additional issue framed at 1-A under order dated 7-4-2015 by 3rd Joint Civil Judge, Senior Division, Kopargaon, in regular civil suit no. 150 of 2008 emerges from the pleadings of the parties.

2. The parties have addressed this court and raised several contentions which need to be properly addressed to. For said purpose, I deem it appropriate that matter be remitted to the trial court for consideration afresh since the order dated 07-04-2015 does not reflect upon considerations which the parties want to address.

3. For aforesaid reasons, order dated 07-04-2015 stands set aside. The trial court to give opportunity to the parties to address on the aspects being contended and if it is found necessary, to frame and / or continue with the issue.

4 With aforesaid, writ petition stands disposed of.

SUNIL P. DESHMUKH, J.

pnd