

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Civil Revision Application No.144 of 2015

Kazi Syed Salahuddin s/o Kazi
Syed Nazirul Hasan.

.. Applicant.

Versus

Shaikh Siraj s/o Shaikh Chand
Died through his legal heirs
Shaikh Aslam s/o Sk. Siraj
And Others.

.. Respondents.

Applicant in person.

CORAM: T.V. NALAWADE, J.

DATE : 4th AUGUST 2015

ORDER:

1) The proceeding is filed to challenge the order made by learned Civil Judge Junior Division Aurangabad in Regular Civil Suit No.1250/1988. Present applicant, plaintiff, had filed application for framing additional issues as follows :-

“(i) Whether defendants prove that, they are having right to obstruct on 20 feet approach road din between Huma saw Mill and Govind Saw Mill ?

(ii) Whether defendant No.A-4 proved that, he is the owner/proprietor/tenant or any concern of any part of the suit property ?”

2) After hearing both the sides, the trial Court has refused to frame such issues by holding that no such point is involved in the suit and the suit is filed for relief of injunction simpliciter.

3) This Court has heard the petitioner in person, who is LL.B. Seen the pleadings and the original issues framed. The suit is filed for relief of injunction simpliciter and accordingly issues are framed against the plaintiff that he needs to prove that he is in possession of the suit property, whether there is cause of action and he is entitled to the reliefs claimed. In view of the defence taken in the written statement two more issues are framed in the matter - (1) whether the suit is barred by provision of *res judicata*; and, (2) whether the suit is bad for want of necessary parties. Thus, there is nothing wrong in the order. On the contrary the issues which the plaintiff expects to be framed are not at all warranted in the suit. There is no reason found for interference in the order. The application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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