

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

WRIT PETITION NO. 11306 OF 2015

**KALLU KHAN ISHAQ KHAN
VERSUS
NANDRANI BAI HARI NARAYAN JAISWAL AND OTHERS**

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Advocate for Petitioner : S.A.P.Quadri

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CORAM : N.W.SAMBRE,J.

DATED : 19TH NOVEMBER,2015

PER COURT :-

In a landlord-tenant dispute, defendants have raised issue denying title of the landlord. The Court framed an issue about the ownership of the plaintiff over the suit property.

2] The learned counsel for the petitioner having moved an application for framing preliminary issue as regards jurisdiction would urge that the suit as in the form was presented, is not tenable.

3] It is required to be noted herein that pursuant to the stand taken by the petitioner, the issue of ownership is framed and the burden to prove the same is on the plaintiff. In view thereof, the rejection of the application seeking framing preliminary issue moved

by the petitioner and as was rejected by learned trial Court by order dated 28/10/15 in my opinion is correct position of law.

4] In view thereof, no interference is called for. Petition is devoid of merits. Hence dismissed.

(N.W.SAMBRE,J.)

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