

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 417 OF 2015

SMT. SMITA GITESH KASHALKAR @
SMITA MOHAN TALAVANEKAR.

... Petitioner

Versus

SHRI GITESH VISHNU KASHALKAR.

... Respondent

Mr, Ganesh R. Naik, Advocate for the Petitioner.

Coram:- F. M. REIS, J.

Date:- 18th June, 2015

P.C.

Heard Shri G. Naik, learned Counsel appearing for the Petitioner.

2. This Petition challenges the Order passed by the learned Judge dated 13.01.2015 of the Court of the Civil Judge, Senior Division at Mapusa, refusing to frame and/or recast the issues framed. The learned Judge whilst passing the impugned Order has observed that though there are pleadings with regard to the proposed issue nos. 3, 4 and 5 such issues are not relevant to decide the matter in controversy.

The law is well settled that the Court can frame any issues at any stage of the suit. In case there is an occasion to frame any such issues which are necessary to decide the matter in controversy, the Court can always exercise jurisdiction in terms of Order 14 Rule 5 of the Civil Procedure Code and frame additional issues before passing the decree in case such situation arises or is pointed out by the parties

to the proceedings.

3. In such circumstances, I find that there is no jurisdictional error committed by the learned Judge whilst passing the impugned Order. The Court can always exercise jurisdiction in accordance with law in the light of the observations made herein above.

4. Subject to the above, the Petition stands disposed of.

F. M. REIS, J.

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