

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.6446 of 2015

(Nishant Ashokrao Pohare
vs.
Satish Tarachand Godhe and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri U.B. Deshmukh, Advocate for the Petitioner.
Shri S.A. Mohta, Advocate for Respondent No.1.

CORAM : A.S. CHANDURKAR, J.

DATE : DECEMBER 5, 2015.

The petitioner herein is aggrieved by the order passed by the trial court below Exh.58 rejecting the application for framing additional issues.

It is submitted by Shri Deshmukh, the learned Counsel for the petitioner that the issues, as proposed, are required to be framed as the same are necessary for proper adjudication of the suit. Referring to the pleadings of the parties, it is submitted that the issues framed by the trial court vide Exh.32 do not cover pleadings of the parties.

Shri Mohta, the learned Counsel for respondent No.1 supports the impugned order and submits that the trial court has rightly rejected the said application. He further states that insofar as the proposed issue at Item (h) of the application is concerned, same can be argued by defendant No.1 being a question of law.

Having considered the pleadings of the parties and issues already framed at Exh.32, I do not feel that the trial court has committed any error in rejecting the application filed below Exh.58. By observing that it would be open for defendant No.1 to agitate the question regarding validity of the agreement in question by relying on the provisions of Section 269(ss) of the Income Tax Act, there is no need to interfere in writ jurisdiction. The petition is, therefore, dismissed with no order as to costs.

JUDGE

**sandesh*