

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

WRIT PETITION NO. 3537 OF 2016

Kallukhan s/o Ishaqkhan

... Petitioner

vs

Nandranibai w/o Harinarayan Jaiswal

... Respondents

Mr. S. A. P. Quadri, Advocate for petitioner

Mr. Ravindra M. Deshmukh, Advocate for respondents no. 1 and 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 30th MARCH, 2016

ORDER :

1. Heard learned counsel for the parties.
2. Contention of the learned counsel for the petitioner – original defendant no. 1 is that having regard to pleading in paragraph no. 10 of the plaint and its denial in the written statement by paragraph no. 10, the issue pursuant to order XIV of the Code of Civil Procedure, 1908 and relevant rules thereunder would be necessary to be framed about requirement of notice under the Maharashtra Rent Control Act. His application at Exhibit – 249 for the purpose of framing such issue has been rejected under order dated 18-03-2016 which is impugned in the writ petition.
3. Learned counsel for petitioner submits that having regard to the nature of pleadings, the issue may be relevant and be framed.

4. On perusal of the issues framed way back in 2009 and considering that evidence is being led in the matter, it appears that plaintiff's evidence is closed and now it is the turn of defendants to lead evidence and at this juncture said application was filed.

5. It is for the court to consider whether such an issue would be necessary for consideration. Looking at the nature of issues which have been framed, the impugned order does not appear to be amenable to be flawed.

6. With observations as aforesaid, writ petition stands disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd