

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

WRIT PETITION NO. 4732 OF 2016

Sau. Maltibai Naval Patil
Age: 51 years, Occu: Household,
Through GPA holder
naval s/o Arjun Patil,
Age: 66 years, Occu. Nil,
C/105, Pooravanagari, Vaidawadi,
Hadapsar, Pune - 411013

... Petitioner

Versus

Uttam Pandit Patil
Age 66 years, Occu: Agri,
R/o Vichkheda, Tal. Chopda,
District: Jalgaon

... Respondent

.....
Mr. K. C. Sant, Advocate h/f Mr. D. S. Pawar, Advocate for
petitioner

.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 26th APRIL, 2016

ORDER :

1. Petition has been moved, purportedly aggrieved by order dated 16th April, 2016 upon an application Exhibit-84, passed by Civil Judge, Junior Division, Chopda in Regular Civil Suit No. 13 of 2010 apprehending that issues as sought under application Exhibit-84 would not be framed/heard, viz; whether the suit in the form in which it has been instituted by plaintiff, can be prosecuted.

2. Learned judge appears to have considered various aspects, purported to have been involved in the matter as argued by the defendant's counsel and has further observed in paragraph No.8 that this is purely a question of law and can be pointed out even at the stage of final argument and there is no need of framing issue as contended in application Exhibit-84.

3. Learned judge has further observed that the issues framed are comprehensive enough to cover the additional issue, and as such framing of additional issue as sought under Exhibit-84 is not necessary.

4. Having regard to aforesaid, petitioner may not get opportunity to seek framing/hearing of the additional issue during the course of hearing, is an apprehension which appears to be misplaced in view of observations as appearing in the impugned order.

5. As such, writ petition is not being entertained and stands rejected.

(SUNIL P. DESHMUKH, J.)

sms