

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

902 WRIT PETITION NO. 8231 OF 2016

RAJENDRA SHAMRAO VISPUTE
VERSUS
SAHEBRAO TULSHIRAM MALI AND OTHERS

Shri. M.C. Jain, Advocate, for petitioner.

Shri. Mukul S. Kulkarni, Advocate, for respondents 1 to 6.

CORAM: T.V. NALAWADE, J.

DATE : 30 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the order made on Exhibit 131 in Special Civil Suit No.35/2011 by the learned Civil Judge Senior Division, Dhule. Heard both the sides.

2) The suit is filed by the present petitioner for the relief of specific performance of contract sale. The defendants have filed written statement and the defendants have contended that they had taken some hand loan from the plaintiff and at the time of giving hand loan signatures were obtained by the plaintiff on some

documents and the plaintiff is using those documents as agreement of sale. Thus it is the contention of the defendants that there was no real agreement . In view of these circumstances, the trial Court has framed issue as follows :-

Whether plaintiff proves that there was agreement of sale between plaintiff and the defendants ?

3) The trial Court has held that the aforesaid issue includes everything and if plaintiff proves that there was agreement of sale, he will succeed. In view of these observations, this Court holds that there is no possibility of interference in the order made by the trial Court. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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