

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION (St.) NO. 22430 OF 2016

Smt.Rakhmabai Doulat Hambir

.. Petitioner

Vs.

Bharat Dhondiba Hambir & anr.

.. Respondents

Mr.Sachin Chandan, for the Petitioner.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Tuesday, 27 September 2016.***

P.C. :

Not on board. Taken on production board by way of praecipe.

2. The Petitioner has challenged the order passed by the learned Civil Judge Junior Division, Daund dated 27 July 2016 rejecting the application of the Petitioner for recasting the issue. The Petitioner has sought recasting of the issues regarding the reputation of the Plaintiff. The learned Civil Judge has held that every disputed fact need not form an issue and the proposed issue to be recasted is included in the Issue no.3. The learned Civil Judge has therefore, not foreclosed any right of the Petitioner to advance such contentions which are available and also the evidence that needs to be led can be so led by the Petitioner. Since the learned Judge in the

impugned order itself has clarified that the issues as proposed by the Petitioner are included in the issue framed earlier, no prejudice is caused to the Petitioner. Interference under Article 227 is not warranted. Writ Petition is rejected.

(N.M.Jamdar, J.)