

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

WRIT PETITION NO. 5395 OF 2016

Smt.Mangalabai Hanmantu Mane ... Petitioner

v/s

Shri Anil Apparao Raichurkar & anr. ... Respondents

Mr.Anil Kalekar i/by Niranjan Shimpi for the petitioner.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 7 SEPTEMBER 2016

P.C.:

The Petitioner has challenged the order passed by the learned Civil Judge, Senior Division, Solapur, rejecting the application for framing preliminary issue as sought by the Petitioner in respect of jurisdiction of the Court.

2 The learned Civil Judge in the impugned order has noted that the learned counsel for the Petitioner remained absent when called out repeatedly. The learned Judge found that the hearing of the suit has commenced. The learned Judge held that, if the Court requires, and feel it necessary to frame the additional issues, it can frame the

issue at any time before passing the judgment and at this stage it is not required to frame an additional issue. By this order, no substantive right of the Petitioner is affected. The issue sought to be raised by the Petitioner is also not finally concluded, but it is kept open to be decided. In the circumstances, no interference is warranted in the impugned order.

3 The writ petition is rejected.

(N. M. Jamdar, J.)