

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

950 WRIT PETITION NO. 3079 OF 2017

HAROON @ RAJU NABI PINJARI AND OTHERS  
VERSUS  
SUBHASH LOTAN MANURE AND ANOTHER

...  
Advocate for Petitioners : Mrs. A.N. Ansari

...  
CORAM : S. B. SHUKRE, J.  
Date: March 07, 2017

...  
PER COURT :-

1 Heard learned counsel for the petitioners.

2 By this petition, legality and correctness of the order dated 8.2.2017 has been questioned. The question is, as to whether additional issue regarding doing of money lending business by respondent, should have been framed or not and I think, on perusal of the impugned order, the learned District Judge has taken a right view that, it should not be framed, because the basic defence was one of the loan transaction which underlines the disputed agreement to sell and this issue was already framed as issue No.8. Carrying on business of money lending by respondent, was never the question involved and it was only by way of ancillary circumstance that, the Court could have said something about it. Therefore, I do not see any patent illegality or perversity in the impugned order.

3 The petition stands summarily rejected. No costs.

( S. B. SHUKRE, J. )