

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

WRIT PETITION NO.3562 OF 2017

Bhaskar Rama Dhawade Petitioner

versus

Ranjeet Narshingrao Pisal
Deshmukh & Ors. ... Respondents

.....

- Mr.Vivek V. Salunke, Advocate for the Petitioner.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 29th MARCH, 2017.**

P.C. :

1. In this writ petition order dated 15/03/2017 passed by the learned 3rd Additional Judge & Joint Civil Senior Division, Pune, in Special Civil Suit No.307/12, is challenged. The application for recasting of issues was preferred by defendant No.5 in a suit filed by the plaintiff for declaration, injunction and cancellation of sale deed.

2. After hearing the learned counsel for the petitioner, it is found that earlier issues were framed on 05/09/2013. The

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defendant No.5 was joined in 2014 and thereafter additional issues were framed on 26/07/2015. Affidavit of evidence of the plaintiff was filed on 26/10/2016 and now he has to step in for the cross examination. He further submitted that this Court by order dated 21/09/2016 in Writ Petition No.2795/16 has made the suit time bound. Hence it is necessary for all the parties to abide by the calender given by this Court.

3. Perused the prayer in the suit. Perused the issues and the additional issues framed by the trial Court. There is no delay in recasting the issue as the Court is empowered to add and frame the issues at any stage before the judgment. The plaintiff though has filed his examination-in-chief, has not stepped in for the cross examination. Hence no prejudice will be caused to the plaintiff. Hence there is no need to interfere with the order passed by the learned trial Judge. Accordingly, the writ petition stands dismissed.

(MRIDULA BHATKAR, J.)