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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION (ST) NO.32662 OF 2016

Pornima Chandrakant Mote ..Petitioner.

V/s.

Kishor Shamrao Jadhav ..Respondent.

Mr.Manmath Athalye for the Petitioner.

Coram : N.M.Jamdar, J.

Date : 20 MARCH 2017

ORAL ORDER

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

2. Heard the learned counsel for the Petitioner. The Petitioner is challenging an order passed by the learned Civil Judge, J.D. Kalyan below Exhibit-30 in Regular Civil Suit No.361/2014.

3. The Petitioner is the Plaintiff in the said suit. Issues were framed in the Suit on 27 September 2014. The Petitioner filed an application for recasting of the Issues. This application has been

disposed of by the learned Civil Judge by the impugned order dated 6 September 2016. The learned Civil Judge has held that three facets of the issue No.1, which the Plaintiff has sought to be framed as independent Issues, already stand included in the Issue No.1. The learned Civil Judge has held that after considering these aspects, Issue No.1 has been framed.

4. The learned counsel for the Petitioner submitted that the amount mentioned in Issue No.1 already framed will remain inflexible and, therefore, the same needs to be clarified. The learned Civil Judge has already clarified that all the facets as sought to be framed by the Petitioner stand included in Issue No.1, one of the aspect being quantum of the arrears. It is, therefore, clear that if the learned Judge finds that the amount of arrears exceeds the amount mentioned in the Issue No.1, it will not preclude the learned Judge from passing an appropriate order. Therefore, it is not necessary to interfere with the impugned order. The writ petition is accordingly dismissed.

(N.M.Jamdar, J.)

