

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 10272 OF 2018

VIJAYKUMAR VASANTRAO KANKAL
VERSUS
MADANLAL RAMNIVAS HEDA AND OTHERS

...
Advocate for Petitioner : Mr. Sachin S. Deshmukh
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CORAM : V.L. ACHLIYA, J.
DATE : 12th SEPTEMBER, 2018.

PER COURT:

By the present petition, the petitioner has challenged the order dated 12.3.2018 passed in Special Civil Suit No. 6 of 2017 by the 5th Jt. Civil Judge Senior Division, Latur. By the impugned order, the trial court has rejected the application moved for framing of additional issues.

2. On due consideration of the overall facts of the case, in the light of the submissions advanced, I am of the view, the order passed by the trial court calls for no interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. The order passed is a reasoned order. So also the order passed no way suffers from any infirmity to be termed as perverse. The trial court has observed that no additional issue is required to be framed as the issues as framed cover the additional issues sought to be framed. Thus, the view taken by the trial court can not said to be perverse. Neither any error in law nor jurisdictional error has been committed on the part of trial Court. In absence of any perversity and error in law, resulting into miscarriage of justice, the order calls for no interference in exercise of writ jurisdiction. The petition filed is devoid of any substance and merit. Hence, the petition is dismissed.

[V.L. ACHLIYA]
JUDGE.

grt/-