

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 8348 of 2018

Amol Motising Salok and another	...Petitioners
VERSUS	
Mansing Harsing Jadhav and others	...Respondent

Mr Amol B. Chalak, Advocate for petitioners.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 25th July, 2018

ORDER :

1. Heard learned counsel for petitioners.
2. After hearing, it is revealed that preliminary issue with regard to jurisdiction of the Court has been framed at the instance of petitioners and the same has been pending for decision. It appears that while the decision on said preliminary issue is awaiting evidence, an application has been moved for framing additional issues with respect to entitlement of plaintiffs to open family partition questioning *locus standi* of plaintiffs; and also about jurisdiction to adjudicate upon mutation entry. The court has declined to accede to the request referring to that the matter had been pending for evidence on preliminary issue and yet this application for additional issues has been filed. The Court, thus,

had considered that so far as jurisdiction is concerned, the preliminary issue is already framed and, in the circumstances, the additional issues sought to be framed may not be germane at this stage. It also transpires after hearing learned counsel that other issues on pleadings are to be framed.

3. In case the preliminary issue is decided against petitioners, petitioners may consider making an appropriate application in respect of issue with regard to *locus standi* requested to be framed.

4. In the circumstances, application appears to be premature. Writ petition, thus, is not being entertained.

5. This decision has efficacy only for rejection of the writ petition and shall not have any influential value and shall not affect the case on merits.

(**SUNIL P. DESHMUKH**)
JUDGE.