

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

908 WRIT PETITION NO. 9786 OF 2018

SHRIRANG BHIMRAO SALUNKE AND ANOTHER
VERSUS
CHANDRABHAN BHIMRAO SALUNKE

...

Advocate for Petitioners : Mr.Balaji Shinde h/f Latange V.P

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CORAM : N.M. JAMDAR, J.

Dated: November 27, 2018

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PER COURT :-

Heard learned counsel for the petitioners.

2. The petitioners have raised contentions regarding their preferential right and also regarding the valuation of the suit. An application was moved by the petitioners for recasting the issue in that regard which has been rejected by the impugned order.

3. Merely because an issue is not framed in the manner suggested by the petitioners does not mean that the argument of the petitioners which are available in law and the fact cannot be advanced by the petitioners. If the petitioners have pleaded a certain position and are entitled to advance certain arguments in law, that obviously

will not be precluded by the impugned order. No interference in the writ jurisdiction is warranted. Writ petition is rejected.

(N.M. JAMDAR, J.)

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