

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6769 of 2018

Ramchandra Nemu Magdum & Ors ..Petitioners.
Vs
Lalxman Dada Magdum & Ors ..Respondents.

Mr. P.M. Arjunwadkar, Advocate for the petitioners.

CORAM: R.D. DHANUKA, J.
DATE : 4th October, 2018

P.C:-

This petition is filed under Article 227 of the Constitution of India. The petitioners have impugned the order passed by the learned trial Judge rejecting the application filed by the petitioners (original defendants) to recast issue No.2 on the ground that the onus is cast on the plaintiffs. In my view, the petitioners can agitate this issue along with the final judgment and decree if the petitioners are aggrieved by the said order. I am thus not inclined to interfere with the impugned order in this petition filed under Article 227 of the Constitution of India at this stage. This petition is accordingly dismissed with the aforesaid clarification and liberty granted to the petitioners.

(R.D. DHANUKA, J.)