

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11268 OF 2017

Niraj Lalit Shukla

...Petitioner

Versus

Lalit Gopalal Shukla

...Respondent

.....

Mr. Avinash Joshi I/b. Mr. Rahul Karnik for the Petitioner.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 10, 2018**

P.C. :

1. The learned counsel for the petitioner submits that notice has been given to the respondent, but he has refused to accept the same.
2. This Writ Petition is directed against the order dated 17th June, 2017 passed by the learned 9th Jt. Civil Judge, (Senior Division), Thane thereby rejecting the application below exhibit 33 in Special Civil Suit No. 121 of 2015. The petitioner/ defendant is a son of the respondent/ plaintiff.

3. The respondent, who is the original plaintiff, has filed a Special Civil Suit No. 121 of 2015 for declaration and separate possession against the petitioner-son. The suit flat was purchased in the name of the petitioner's father i.e., respondent. The plaintiff claims that he has 24% share in the suit flat, as he has paid Rs. 7,35,000/- to the builder at the time of purchase of the suit flat. After considering the plaint and written statement, the learned Judge of the trial Court framed four issues. The defendant has suggested three additional issues. After considering the application and objections, the learned Judge of the trial Court passed reasoned order and rejected the said application.

4. Perused plaint, written statement, framed issues and suggested issues. After considering the reliefs claimed and contentions raised by the learned Counsel for the petitioner, I am of the view that no additional issues are required to be framed. These issues can be covered in the earlier issues. No interference is required in the order dated 17th June, 2017 passed by the learned 9th Jt. Civil Judge, (Senior Division), Thane. Hence, Writ Petition is disposed of.

5. It is noted that this Petition is between the father and the son. The father has filed two separate suits against the son in respect of the suit flat. It is informed that the petitioner-son is working and staying in Dubai along with his family. Considering the relationship between the parties, it is suggested by this Court that the learned 9th Jt. Civil Judge, (Senior Division), Thane to refer this matter to a Mediator in the interest of parties.

(MRIDULA BHATKAR, J.)