

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

939 WRIT PETITION NO.10626 OF 2019

BHATU BUDHA PATIL THAKARE AND ANOTHER  
VERSUS  
KRUSHNADAS CHHAGANDAS GUJRATHI THOROUGH LRS

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Advocate for Petitioners : Shri Rane Girish S.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 28, 2019

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PER COURT :-

1. The petitioners / defendants are aggrieved by the order dated 2.7.2019, passed by the trial Court, by which, application Exhibit 100 filed by them seeking leave to frame additional issues in RCS No.49 of 2013 has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioners and have gone through the petition paper book. The petitioners desire that the trial Court should frame the following two issues:-

"I. Whether plaintiff mutate his name in crop column of suit property as per the provisions of law?

II. Whether the plaintiff who has come to the court after inordinate delay is entitled to the discretionary relief of specific performance?"

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2- WRIT PETITION NO.10626 OF 2019

3. I find that the trial Court has already framed 15 issues. There is practically an issue on every pleading of the parties set out in their various paragraphs in the plaint and the written statement.

4. I am of the view that the first proposed issue suggested by the petitioners is squarely covered by issue No.8 and the second proposed issue No.2 is covered by issue Nos.6 and 10. As such, I do not find that the impugned order passed by the trial could be termed as being perverse or erroneous.

5. This petition, being devoid of merits is, therefore, dismissed.

( RAVINDRA V. GHUGE, J. )

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