

WRIT PETITION NO. 19 OF 2019

1. Heard learned counsel for the petitioners.
2. It appears that issues had been framed long back and, in fact, evidence has also been substantially led.
3. Looking at the nature of the issues already framed, averments in the plaint referring to that the property of deceased Pundlik Koli is being claimed to be ancestral property of plaintiffs and there is no denial of the same in the written statement by the defendants and issue as

already been framed by civil judge, junior division, Muktainagar, it may encompass the issue, has refused to frame additional issue sought by defendants to the effect that whether the plaintiffs prove the property of the deceased Pundlik to be their ancestral property and deceased could be said not to have right to execute will deed in respect of said property in favour of defendants no. 2 and 3.

4. In view of the same, issue sought to be framed as additional issue appears to have been substantially covered by the issues already framed and may not be required to be necessarily and specifically framed. It is, thus, not a case wherein exercise of extra ordinary power by this court is required.

5. Writ petition, in aforesaid background, cannot be entertained and is, thus, rejected.

[SUNIL P. DESHMUKH, J.]