

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

**WRIT PETITION NO.2124 OF 2017**

Ananda Maruti Padekar  
(since deceased) through L.Rs. & Ors. ... Petitioners  
Vs.  
Sadashiv Nana Padekar & Ors. ... Respondents

.....

Mr. Anand S. Patil for the Petitioners.  
Mr. R.P. Kadam, A.G.P. for the Respondent Nos.7, 8 & 10.

.....

**CORAM : M. S. KARNIK, J.**

**DATE : 27<sup>th</sup> AUGUST, 2019.**

**P. C.:**

1. Heard learned counsel for the petitioners.
2. None for the respondents though the respondents are duly served. The petitioners are aggrieved by the order dated 26.10.2016 passed by the Trial Court below Exhibit 53. The petitioners are the original plaintiffs. An application was made by the plaintiffs on 24.7.2015 below Exhibit 53 for framing additional issues. The Trial Court passed the following order :-

**ORDER**

“Issues to be recasted as required as per rival pleadings ?”

3. Learned counsel for the petitioners submits that it is not clear whether the Trial Court has allowed the application or rejected the application. None appears for the respondents though they are duly served. In my opinion the order passed by the Trial Court is unambiguous. In terms of the order dated 26.10.2016 the Trial Court will obviously recast the issues and then proceed with the trial.

4. The Writ Petition is disposed of.

5. Parties to act on an authenticated copy of this order.

**( M. S. KARNIK, J. )**