

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

WRIT PETITION NO. 5521 OF 2019

Vishal Suresh Mandot

...Petitioner

vs

Smt.Smita Subhash Mandot & Ors.

...Respondents

Mr.Rahul S. Kadam for Petitioner.

Mr.Kamalesh P. Mali for Respondent Nos.1 to 10.

CORAM : S.C.GUPTE, J.

DATE : 17 JULY 2019

P.C. :

Heard learned Counsel for the parties. Rule. Rule taken up forthwith for hearing, by consent of parties.

2 This writ petition challenges an order passed by the Joint Civil Judge, Junior Division, Daund, District Pune. The impugned order was passed on an application for framing of additional issues. The additional issues concern the limitation pertaining to the counter-claims and whether they were legal and maintainable in the present form in which they were filed. It is the submission of the Respondents that effectively these issues stand subsumed within the issues already framed by the trial court.

3 It does not appear from the issues framed by the trial court on 3 September 2016 that the proposed issues are either framed or subsumed within those issues. These issues do arise on the pleadings of the parties and ought to be, therefore, framed.

4 Rule is, accordingly, made absolute and the petition is allowed by quashing and setting aside the impugned order dated 2 February 2019 and allowing the Petitioner's application, being Exhibit 151. The trial shall proceed accordingly.

(S.C. GUPTE, J.)