

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2054 OF 2019

Firoj Kha Meheebub Kha Pathan and ors.

-VS-

Amanulla Chandkha Pathan and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. R. Fule, Advocate for petitioners.

CORAM : A.S.CHANDURKAR, J.

DATE : March 12, 2019

Heard.

An interlocutory order passed below Exhibit-187 rejecting the application moved by the plaintiff for striking out Issue No.2 is under challenge. Issue No.2 relates to the aspect of settled possession of the property of the plaintiffs on the date of decision of the suit. It is submitted on behalf of the petitioner that in view of amended prayer 1A of the plaint the relief of possession has been sought and hence Issue No.2 was liable to be struck off.

In the plaint as amended the original prayer for grant of perpetual injunction has been retained. In view of the fact that the application at Exhibit-187 was moved

at late state when the suit itself was to be finally heard, I am not inclined to exercise writ jurisdiction. By keeping open the challenge as raised by the plaintiff for being raised in appeal if the occasion arises, the writ petition is disposed of. No costs.

JUDGE