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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7384 OF 2019**

Vitthal Narayan Tarte Petitioner.
V/s
Baban Laxman Tarte and Ors. Respondents.

Mr. Rushikesh G. Patil for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 25, 2021

P.C.:-

1] The application-Exhibit-43 moved by the Petitioner-Plaintiff for recasting of issue of validity of Consolidation Scheme implemented in 1968-69 under the provisions of Rule 5 of Order 14 of CPC came to be rejected by the order impugned.

2] Submissions of the learned Counsel are, considering the nature of claim put-forth in the suit and the issues framed, it is necessary to frame additional issue, as has been prayed.

3] I have considered the said submissions in the light of the suit claim and also reasons furnished in the order impugned. As far as

issue about validity of Consolidation Scheme is concerned, Petitioner intends to open the same in the suit after a period of almost about 40 years. Apart from whether such a claim is within limitation or not, there is a presumption in favour of the Government in the matter of implementation of the said Scheme.

4] In that view of the matter, no case for interference is made out. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)