

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 5361/2021

Mangaldas Nago Gaygawali
..VS..
Suresh Fuktu Gaygawali

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.A. Chaudhari, Advocate for the petitioner

CORAM : AVINASH G. GHAROTE, J.

DATED : 20/12/2021

Heard Shri Chaudhari, learned Counsel for
the petitioner.

2. The petition challenges the order dated 11.10.2021, on Exh. 99, whereby the application for framing additional issues has been rejected by learned trial Court. By the said application, an additional issue, that the construction of the staircase was illegally completed, has been sought to be framed.

3. In my considered opinion, issue no. 2 is already framed by the learned trial Court, which covers the proposed issue, as the same is related to the illegal construction of the staircase. It is not disputed that the parties have led evidence on record regarding the subsequent construction made during the pendency of the suit. In view of this, the plea would be clearly decided

while deciding issue no. 2. I, therefore, do not find any infirmity in the impugned order.

4. Accordingly, the writ petition is dismissed. No costs.

JUDGE

SANDIP
MAHADEV
GATE

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