

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12335 OF 2022**

ASHA RAJENDRA MUSMADE AND OTHERS
VERSUS
VINAYAK FAKIRA GULAVE AND OTHERS

...
Mrs. Surekha G. Chincholkar, Advocate for the Petitioners.
...

**CORAM : SANDEEP V. MARNE, J.
DATED : 06th DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioners challenge order dated 10.10.2022 passed by the Civil Judge, Senior Division, Shrirampur rejecting petitioners' application for framing of additional issues.

2. The suit is filed by plaintiffs seeking partition and separate possession claiming the suit property to be ancestral. On the other hand, defendants contend that the suit property is self acquired property of defendant no.1. Accordingly, issues have been framed *inter alia* including as to whether plaintiffs proved that the suit property is ancestral and whether defendant nos.1 to 3 proved that suit property is theirself acquired property.

3. In the application filed by petitioners/plaintiffs, they sought framing of four additional issues. I have gone through the proposed additional issues and find that the same can never be framed. The four proposed additional issues are nothing but pleadings in the written statement of defendant nos.1 to 3, which plaintiffs want defendant nos.1 to 3 to prove.

4. In my view, the issues as framed by order dated 22.10.2019 would be sufficient for the Court to decide the subject matter of controversy between the parties. The application filed by petitioners/plaintiffs is totally misconceived and has rightly been rejected.

5. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE