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

WRIT PETITION 7696 OF 2022

Keru Shankar Bite and Ors. ... Petitioners
Versus
Shahajirao Dadaso Kadam and Anr. ... Respondents

Mr. Datta Mane for the Petitioners.
Mr. Satyajeet Rajeshirke for the Respondent 1.

**CORAM: ROHIT B. DEO, J.
DATE : 5th JULY, 2022**

P.C. :-

. The petitioners are the plaintiffs in Regular Civil Suit 110 of 2011 which is brought for decree of perpetual injunction.

2. The issues are framed on 18th September, 2012 and issue 1 reads thus :-

“1. Do plaintiffs prove that they own and possess the suit property herein?”

3. On an application preferred by the defendants, the learned Trial Court has framed an additional issue 4a which reads thus :-

“4a. Whether simpliciter suit for injunction is maintainable when title is disputed?”

4. The learned counsel for the petitioners would submit that issue 4a is absolutely unnecessary since there is no bonafide dispute *qua* the title of the plaintiffs and by framing additional issue unnecessary and

unwarranted burden is placed on the plaintiffs.

5. I am not inclined to interfere with the order impugned.

6. I have already noted issue 1 which in any event requires the plaintiffs to establish ownership. Issue 4a which is additionally framed in essence is a question of law and the answer will have to be recorded on the basis of the answers on the other issues which are already framed by the Court. I do not think that any additional burden as such is placed on the plaintiffs.

7. No interference in writ jurisdiction is necessary.

8. The petition is dismissed.

[ROHIT B. DEO, J.]