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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1503 OF 2020**

SHRI. BHAGWAN GUNDU MOHITE

...Petitioner

V/s

SOU. JANABAI BHAGWAN MOHITE & ANR

...Respondents

Mr. Anand S. Patil for the Petitioner.

Mr. Abhijit P. Kulkarni for the Respondents.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 11, 2022

P.C.:-

1] Impugned in the Petition is an order dated July 3, 2019 passed below Exhibit-83 by the Civil Judge, Senior Division, Kolhapur in RCS No.274 of 2010 wherein prayer of the Plaintiff for deletion of issue Nos. 2 to 4 pursuant to the provisions of rule 2 of Order 14 came to be rejected.

2] I have heard the Counsel for the Petitioner.

3] There is hardly any ground which warrants interference with the order impugned, particularly when issues are framed by the Court below based on rival pleadings. Even if certain ancillary issues to the said issues are decided, that cannot be termed as resulting into deciding issues of which deletion is sought. Unless the Petitioner deletes the pleadings in support of the said issues, Court is bound to decide the same. That being so, no case for interference is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)