

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 197 of 2022

[Municipal Council Wardha, through its Chief Officer, Municipal Council Office, Wardha ..vs..
Smt. Anita Rishabhkumar Munot and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhay Sambre, Advocate for the petitioner

CORAM : ROHIT B. DEO, J.

DATED : 14-1-2022

The petitioner is defendant in suit instituted by the respondents seeking perpetual injunction restraining the petitioner from disturbing possession.

2. The trial Court framed the following issues.

(1) Whether plaintiffs prove that they are owners and possessors of plot no. 62 and 79 respectively ?

(2) Whether plaintiffs prove that plot no. 62 and 79 are demarcated out of sanctioned layout sanctioned by Additional Collector, Wardha and the layout map is sanctioned by Town Planning, Wardha ?

(3) Whether plaintiffs prove that simplicitor suit for permanent injunction without claiming declaration is maintainable ?

(4) Whether plaintiffs prove that the defendant is trying to encroach upon the suit property ?

(5) Whether the plaintiffs are entitled to reliefs claimed ?

(6) What order and decree ?

3. However, according to the petitioner, the trial Court did not frame the issue whether the plaintiffs have locus to institute the suit.

4. I note that the trial Court has already framed the issue of ownership. Learned counsel Mr. Sambre submits, that a further issue, whether the plaintiffs have arrived to file a joint suit without joining other legal heirs of deceased Surajbai Munot, ought to have been framed.

5. I note that the suit is for injunction on the basis of possession.

6. I see no error in the order framing issues.

7. All necessary issues are duly framed.

8. The petition is dismissed.

JUDGE

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