

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CRA NO.147 OF 2023

PARUBAI WAMAN PAVLE
VERSUS
JANABAI BHUJAJI JOGDAND AND ANOTHER

...
Advocate for Petitioner : Mr. Katneshwarkar S. P.
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10/08/2023

PER COURT :

Heard the learned Advocate for the applicant. The learned Advocate challenges the appeal filed by the plaintiff on the ground that the appeal memo contains additional prayers beyond setting aside the decree passed by the Trial Court and that such prayers cannot be made in appeal memo. It was his contention that the entire appeal be accordingly dismissed.

2. The Appellate Court has rejected the application filed by the petitioner. As regards contention of the appellant that the paragraphs No.2, 3 and 4 of the appeal memo are travelling beyond the case pleaded before the Trial Court, the Appellate Court while rendering its final Judgment will deal with all the submissions of the appellant.

3. In view of the same, it cannot be said that the appeal is not maintainable.

4. It is open for the appellant to canvass all his submissions at the final stage of the appeal.

5. The Civil Revision Application is dismissed with above observation.

(ARUN R. PEDNEKER, J.)

vj gawade/-.