

VRJ

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

WRIT PETITION NO.13133 OF 2023

Maruti Yashwant Dange ... Petitioner

V/s.

Haribhau Yashwant Dange Since
Deceased Through Legal Heirs & Ors. ... Respondents

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Mr. Jayendra D. Khairnar for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 25, 2023

P.C.:

1. The petitioner-original plaintiff in a suit for partition and separate possession is challenging order passed by the Trial Court refusing to recast issues framed on 22nd September 2021.
2. According to the petitioner, issues in relation to properties which according to defendant No.6 are self acquired properties were required to be framed and issue No.2 is vague.
3. On perusal of the pleadings of the parties, in my opinion, issue No.1 proposed by the plaintiff is covered in issue No.1 framed by the Trial Court. However, issue No.2 which is in relation to previous partition, it is clarified that it is for the defendants to prove their contention that there is previous partition.
4. With this clarification, the writ petition stands disposed of
No costs.

(AMIT BORKAR, J.)