

Nikita

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

WRIT PETITION NO.4194 OF 2021

Shevanti Jayram Mohite and Ors. ... Petitioners

V/s.

Nandkumar Sakharam Gotad and Ors. ... Respondents

Mr. Shashank C. Mangle for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 1, 2023

P.C.:

1. By the impugned order the plaintiff who filed suit for declaration and injunction declaring himself to be exclusive owner of the property filed an application based on the averments made in the written statement alleging ownership over the suit property.
2. The Trial Court rejected the application for framing additional issues. The Trial Court has framed issues requiring plaintiff to prove his exclusive ownership and lawful possession over the suit property.
3. In my opinion, the issues proposed by the plaintiff are covered in issue No.1. Therefore, independent issue to that effect need not be framed.
4. Both the parties have idea of the case which they are required to met. Therefore, non framing of issues would not cause

any prejudice either of the parties.

5. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)