



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1114 OF 2020

Anand @ Abhijit S/o Rameshrao Chaudhari .Vs. Digambar S/o Vishwanathrao
Chaudhari and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.P. Mahalle, Advocate for petitioner.

Shri A.S. Dhore, Advocate for respondents.

CORAM : ANIL S. KILOR, J.

DATED : 28/11/2023

1. In the present matter, the application moved by the plaintiff for recasting the issues came to be partially rejected vide order dated 20.11.2019 passed by the 3rd Civil Judge Junior Division, Darwaha in RCS No. 152 of 2012, the same is the subject matter of the present writ petition.

2. After going through the impugned order, it is apparent that, the Court has considered the prayer of the plaintiff for recasting of the issues and thereby to frame four additional issues. However, considering the nature of pleading and the controversy involved, the Court has arrived at a conclusion that, the only issues which would suffice the purpose is as follows:

“Whether the plaintiff proves that he is entitled for protection of his possession on the basis of doctrine of part performance of contract ?”

3. Thus, considering the pleading made by the plaintiff in the suit and the pleading made by the defendant in the written statement and the actual controversy involved, I do not find any error committed by the learned trial Court in passing the impugned order dated 20.11.2019.

Accordingly, the writ petition is **dismissed**.

JUDGE