

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

Writ Petition No. 8626 of 2022

Kantabai wd/o Ganpat Zambre and another

Vs.

Ragho s/o Rama Zambre (dead) thr.L.Rs.

Sunita Ragho Zambre and others

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

Court's or Judge's Order

Mr. J.S.Wankhede, counsel for the Petitioners.

**CORAM : ANIL S. KILOR, J.
DATED : 03.01.2023.**

Heard the learned counsel for the petitioners.

2. The petitioners are challenging the order dated 11/10/2022 passed below application Exhibit-148, thereby the application for framing of additional issues was rejected by the Court of Joint Civil Judge, Junior Division, Umarkhed (Trial Court).

3. The learned counsel for the petitioners submits that the learned Trial Court by not allowing the application Exhibit-148 for framing of additional issues, committed error.

4. I have perused the impugned order.
5. The Trial Court while rejecting the application Exhibit-148 has recorded the reasons in paragraph 4, which reads thus :

“04. The present suit is filed for partition and separate possession of the suit property. On 30.09.2013 Ld. Predecessor of this court has framed issues at Exh.54. In the present case the evidence of parties are completed and matter is posted for the final argument. Perused the application and order passed below Exh. 142 the same application was filed by the plaintiffs and the same issues were suggested. Ld. Predecessor of this court after hearing both sides rejected the said application. Thus, this application is not sustainable in the eyes of law and liable to be rejected. In the order Ld. Predecessor of this court observed that, the issues which are framed are sufficient to decide the controversy between the parties. Therefore, this application is liable to be rejected.”

6. On a query put to the learned counsel for the petitioners that whether the challenge was raised to the order dated 24/03/2021 below Exhibit-142, which was for the same relief, the learned counsel for the petitioners fairly states that no challenge was raised to the said order.

7. The record shows that the matter is fixed for final hearing and at that stage the application Exhibit-148 was moved for framing additional issues.

8. After going through the reasons recorded by the Trial Court, I do not find any perversity in the same. Accordingly, the writ petition is dismissed. No order as to costs.

[ANIL S. KILOR, J.]