



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

32 WRIT PETITION NO. 2415 OF 2025

**ABDUNNISA BEGUM GAYASUDDIN AND ANOTHER
VERSUS
GAYASUDDIN JAMALODDIN AND OTHERS**

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Advocate for the Petitioner : Mr. K. N. Shaikh

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CORAM : KISHORE C. SANT, J.

Dated : March 04, 2025

PER COURT :-

1. Heard the learned Advocate for the petitioner.
2. The petitioners have challenged an order dated 02.12.2024 passed by 2nd Joint Civil Judge, Junior Division, Parbhani, rejecting the application for framing of additional issues.
3. It is the case of the petitioners that, the issues were framed on 16.07.2021. However, later on, the additional issues were required in view of pleading of plaint that, the defendant No.1 was addicted to various liquors and he executed the sale deed under the influence of liquor. The learned Trial Judge however, did not accept the case and

passed the order which would cause serious prejudice to the right of the plaintiffs. The learned Advocate vehemently argued that, if the issues are not framed as prayed for, the petitioners would suffer great prejudice. In the cross-examination itself, it has come that the defendant No.1 was addicted to liquor and under the influence of liquor, he executed the sale deed. He thus prays for allowing the writ petition.

4. The learned Trial Judge while rejecting the application, has observed that the issues were framed on 16.07.2021. The plaintiffs have made an application thereafter for framing of the very same issues which are now sought to be framed. The said application came to be rejected by order dated 07.01.2022. Thereafter, evidence commenced. Now, the evidence is over. The defendant Nos. 2 and 3 have also closed their evidence by filing pursis on 08.11.2024 and the suit is pending for final argument. Thus, the application is rejected on above two counts.

5. This Court does not find any perversity or illegality in the order passed by the learned Trial Judge.

Consequently, this Court finds that, there is no merit in the writ petition.

5. The writ petition deserves to be dismissed and the same is hereby dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PRW