



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

WRIT PETITION NO. 4563 OF 2024

Sandeep Jugalkishor Karwa

VERSUS

Hdfc Standard Life Insurance Company Ltd Through Senior
Vice President Agency And Another

...

Mr. R. F. Totala h/f Mr. S. V. Lohiya, Advocate for the
Petitioner

Mr. S. V. Natu, Advocate for Respondent no.1

.....

CORAM : ROHIT W. JOSHI, J.

DATED : 10TH JULY, 2025

PER COURT :-

. This is a petition arising out of an application for framing of additional issues filed by the petitioner, who is the original plaintiff in Commercial Suit No.24 of 2019 which came to be rejected vide order dated 28.04.2023, passed by the learned District Judge-2, Aurangabad.

2. The plaintiff had made a prayer for framing eight specific issues on the basis of contentions raised by the defendant in the written statement.

3. The learned Court has observed that all the issues proposed by the plaintiff were covered under issue no.3 framed vide Exhibit 23 on 17.06.2021, which reads as under:

Issue No.3. Whether defendant proves that plaintiff was guilty of misconduct.

4. Notice in the present petition was issued on 02.05.2024 on a submission made by the learned Counsel for the petitioner that proposed issue nos.3(i) to 3(v) were necessary to decide the suit on merits.

5. Mr. Natu, learned Counsel for the respondent/defendant states that the learned Court has rightly held that the proposed issues including issue nos.3(i) to 3(v) are covered by original issue no.3.

6. In view of the understanding as aforesaid, the petition is **disposed** of. Needless to mention that burden of proving issue no.3 is placed on the defendant. The purpose of filing the petition is served in view of the observations made by the learned Trial Court as well as statement made by the learned Advocate for the respondent that the issue no.3 covers issue nos.3(i) to 3(v) that burden for proving the same is on the defendant.

7. Writ Petition is **disposed** of accordingly.

(ROHIT W. JOSHI, J.)