



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO. 7378 OF 2022

GORAKHNATH DEVRAO KHOTKAR
VERSUS
BABITABAI JAIWANT KHOTKAR AND OTHERS

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Mr. Pramod Fulchand Patni, Advocate for the Petitioner

CORAM : R. M. JOSHI, J.

DATE : 3rd FEBRUARY, 2025

PER COURT :-

1. Heard.
2. Learned counsel for the petitioner/appellant in R.C.A. No. 64/2018 submits that the issue of prior partition between the parties is relevant of the decision of the appeal. It is his contention that the impugned order would not come in way of the parties or the Court to frame said issue if found necessary.
3. None present for the respondents.
4. Having regard to the afore stated submission, petition is disposed of with clarification that it would be open for the First Appellate Court to consider framing of issues of previous partition if found necessary at the time of final decision of the appeal.
5. Petition is disposed of in above terms.

(R. M. JOSHI, J.)

ssp