

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12560 OF 2022

Mumtaz Begum Shaikh Abdul Rahim

VERSUS

Nanded Waghala City Municipal Corporation Trough Its
Commissioner

...

Advocate for the Petitioner : Mr. Pathan Hamzakhan I.

Advocate for Respondent : Mr. Narwadkar Mrigesh D.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 08, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. Present petition is directed against the order dated 16.09.2022 passed below Exhibit-41 by the learned 1st Joint Civil Judge, Junior Division, Nanded in R.C.S. No.867 of 2012, whereby the Trial Court rejected the application filed by the petitioner for framing additional issues as per Order 14 Rule 5 of the Civil Procedure Code.
3. I have gone through the issues which are framed by the Trial Court which read thus :

"1] Whether the plaintiff proves that he is owner and possessor of suit property?

2] Is there cause of action for the suit ?

3] Whether the suit is maintainable ?

4] Whether the plaintiff is entitled for the relief of perpetual injunction ?

5] What order and decree ?”

4. The learned Trial Court while considering the application has specifically recorded the finding in para 5 of the order. The issues framed of Exhibit-32 are sufficient to decide the dispute. Therefore, I do not find any reason to interfere with the order passed by the learned Trial Court under Article 227 of Constitution of India.

5. In view thereof, the petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)