



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 3872 OF 2020

SURENDRA HANMALLU GANDAM GANDAMWAR

VERSUS

MEGHAMALA GOVINDRAO PALLEWAD AND ORS

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Advocate for the Petitioner : Mr. Akash D. Gade

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CORAM : MANJUSHA DESHPANDE, J.

Dated : February 14, 2025

PER COURT :-

1. In continuation of order dated 24.01.2024, the petitioner makes a statement that he has not received the instructions from his client about withdrawal of the writ petition. However, he has appraised his client about the status of the additional issues which are framed in the Special Civil Suit No. 60 of 2016. The petitioner who is the original defendant in the suit for partition and separate possession had filed an application below Exh. 37 in the suit for amendment of plaint wherein he had sought directions to plaintiffs to add the properties mentioned in the application. However, his application came to be rejected which is impugned in the present writ petition.

2. Learned Advocate for the petitioner has placed on record the copy of additional issues which have been framed by the Jt. Civil

Judge (Junior Division), Nanded on 10.03.2023. Learned Advocate for petitioner specifically invited my attention to the issues No. 5 and 6, which reads thus.

5. Whether properties in para No. 2 of the written statement (Exh. 25) are joint family properties of plaintiffs and defendants ?
6. Whether the suit is barred on the count of non-joinder of properties mentioned in para No. 2 of the written statement (Exh. 25) ?

3. According to him, the properties which he wanted to be added in the plaint by way of amendment, the issue No. 5 takes care of the suit properties which are mentioned in his application and even issue No. 6 also takes care of the relief which he claimed in the application.

4. In view of the framing of additional issues by Trial Court, the relief claimed by the petitioner in his application below Exh. 37 which has been rejected by the Trial Court, does not survive. In view of the same, the writ petition stands disposed of.

(MANJUSHA DESHPANDE, J.)