



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.770/2025

Smt. Dipali Arvind Deshmukh and Ors. .VS. Dr. Piyush Anil Thorat

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. J. Shinde, Advocate for petitioners.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 12, 2025

Heard.

2. The Trial Court rejected the request made by the petitioners – plaintiffs to frame additional issues. Therefore, the petitioners are before this Court.

3. Learned counsel for the petitioners submits that they preferred application Exh.-98 to frame additional issues relating to cancellation of sale deed on the ground that though said prayer was made, the issue was not framed.

4. The Trial Court was of the view that issues framed would cover the issue put forth by the petitioner. The issue, according to the Trial Court, that would cover the present controversy is, “whether the plaintiffs are entitled for declaration as prayed?”. The petitioners have categorically prayed for decree of cancellation of sale deed dated 12.04.2002. According to the Trial Court, the aforesaid issue viz. whether the plaintiffs are entitled for declaration as prayed will decide the fate of the suit as to whether the sale deed under question will be cancelled or not. In the circumstances, the Trial Court was of the view that the issue as put forth is not necessary.

6. I do not find any perversity in the said order. If the prayer in the suit is for cancellation of sale deed and if there existed on

issue, “whether plaintiffs are entitled for declaration as prayed for”, the issue relating to cancellation of sale deed need not be separately framed. Framing of such an issue will only amount to repetition of the issues.

7. There is thus no merit in the petition. The writ petition is, therefore, dismissed in limine.

8. Copy of order be served on the Trial Court.

(Anil L. Pansare, J.)

Kahale