

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3578 OF 2013

Jayson Associates

..Petitioner

**-Versus-**

1. IDBI Bank Ltd & Ors.

..Respondents

Mr. Sandeep S. Koregave, Advocate for the Petitioner.

**CORAM : R.M. SAVANT, J.**

**DATE : 30<sup>TH</sup> APRIL 2013**

**P.C.**

1 The order impugned is one dated 8.03.2013 passed by the learned Civil Judge, Senior Division, Kolhapur by which order the application Exhibit 43 filed by the Petitioner i.e. the Original Defendant for framing of additional issues came to be rejected. The said application has been rejected on the ground that there is no necessity for framing the additional issues as the issues already framed cover the additional issues framing of which is sought vide the said application Exhibit 43.

2 The learned counsel appearing for the Petitioner contends that the said application Exhibit 43 has been decided by the Trial Court in the absence of the learned counsel for the Petitioner i.e. the Defendant No.1. In view of said contention this Court considered the issues which have already been framed in juxtaposition with the additional issues framing of

which was sought vide Exhibit 43. On such consideration this Court is of the view that no fault can be found in the reasoning mentioned by the Trial Court in the impugned order. The issues already framed cover the issues which are sought to be framed and in respect of which the burden is cast on the Respondent No.1/Plaintiff. Hence, no case for interference is made out.

The Writ Petition is accordingly dismissed.

**(R.M. SAVANT, J.)**