

**Order Below Ex. 21 in R.C.S. No.203/2020**

Read the application.

Peruse all the pleadings.

Read all the relevant submission filed.

Heard the learned advocate of defendant side.

1. Defendant side apply for the recast of the issue and asked to add three issues in which two issues are for the law and one issues for the fact and asked to add it under Ex.19.
2. Plaintiff filed objection vide Ex.24 and alleged it unnecessary and asked rejection of the application.
3. On perusal of the issues framed under Ex.19 with the pleadings of the party it is cleared that defendant raised all three issues under Ex.10 and when he wants to bring the burden on him , this court has no hesitation to add all the issues under Ex.19 with putting responsibility to prove it on defendant. Thus, following order is required to pass.

**ORDER**

The application is allowed. All the issues are added under Ex.19 in following wordings.

- 5A. Whether the suit of plaintiff is not maintainable u/s. 34 o the Specific Relief Act as the relief of possession is not asked?
- 5B. Whether the defendant proves that he develops the suit property as party plot and such fact was in the knowledge of plaintiff?
- 5C. Whether suit is barred by law of limitation?

Pronounced today this 22<sup>th</sup> day of September 2022.

Date : 20-9-2022

Place : Kutch-Bhuj

**(Shilpa M. Kanabar)**  
Principal Senior Civil Judge,  
Kutch-Bhuj Code No.GJ00814

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આંક – ૨૦ અને ૨૧ હેઠળ હુકમ જાહેર કર્યો  
ઈસ્યુ માં સુધારો કર્યો.  
કામ વાટીના પુરાવા માટે

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**(Shilpa M. Kanabar)**  
Principal Senior Civil Judge,  
Kutch-Bhuj Code No.GJ00814