

21) O.S. 7701/2013

Both the advocate are present.

ORDER ON I.A No.13

This is an application filed U/o 14 rule 5 of CPC to frame the additional issues.

Along with the I.A the defendant has filed affidavit and contended that the defendant No.4 and his wife have filed there written statement and denied the Plaintiffs case and taken contention they have purchased the suit property and they are in possession of the suit property.

And this court not properly framed the issues and requested to frame that issues. Hence, this application is filed.

To this application the Plaintiff filed objections and stated that, the additional issues sought to be framed as mentioned in the application would not arise and infact this court framed the proper issues on 09.06.2014 and also stated that, this application is filed after lapse of so many years when the cross examination has commenced this shows that, it is filed only to dragon the proceeding and not necessary to frame the additional issues. Further,

the Plaintiff made so many allegation.

In the instant case, the defendant No.3 and 4 in their written statement taken contention that, the Lr's of the deceased Plaintiff is not the adopted son of Narayanappa and the suit of the Plaintiff is barred by law of limitation and also taken contention that the defendant No.3 purchased the property and it is her absolute property and also taken contention that, if defendant No.4 purchased the land under the registered sale deed dated 15.04.2004 and rectification deed dated 11.06.2004 and he is in possession of the suit property and also taken contention that, the suit of the Plaintiff is not maintainable without seeking for relief of possession.

In view of the contention taken in the written statement it clyster clear that the burden is on the defendants to prove the above said issues. Under the said situation if additional issues are framed no hurdle will cost to the Plaintiff. Since, as stated above, all the issues are on defendant.

Accordingly, I proceed to pass the following:

ORDER

I.A No.13 is hereby allowed.
Additional issue is framed.

Call on for evidence of Plaintiff
by 30.05.2022.