

13.07.2023

OS 6788/2016

Heard the learned Counsel for Plaintiff on I.A U/o 14 Rule 5 of CPC to frame additional issue regarding the claim of damages. The said application is supported by the affidavit of the Plaintiff. It is submitted in the annexed affidavit that a Issue with regard to entitlement of Plaintiff for damages as claimed in the prayer is to be framed. Hence pray to allow the application.

The said application is opposed by the other side by contending that such application is filed to delay the proceedings of the case.

I have perused the Issues framed and the Addl. Issues framed by this Court.

I have also perused the prayer sought in the plaint.

The Plaintiff vide order of this Court dated 06.06.2017 has got amended the plaint by adding the prayer d(i) wherein it is sought for granting damages. Hence in my opinion an Issue with regard to such prayer is required to be framed as below:

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Additional Issue

Whether the Plaintiff is entitled for Damages till delivery of possession of Suit-B schedule property? If Yes, from what date and at what rate?

Hence I proceed to pass the following:

ORDER

I.A U/o 14 Rule 5 of CPC is hereby Allowed.

Following Addl. Issue is framed.

C/C III ACC & SJ, Bengaluru

In view of framing of Addl. Issue, case is adjourned for further Chief of PW.1 by 05.08.2023.

C/C III ACC & SJ, Bengaluru