





**ORDER ON IA NO.XXIII**

When the matter posted for further plaintiff defendant at this stage the defendant No.13 counsel filed this application under Order XIV Rule 5 R/w. Section 151 of C.P.C to frame the addl. Issue with regard to suit of plaintiff is barred by law of limitation, defendant No-13 is bonafide purchaser of item No-4 of the suit property and there is no cause of action to file this suit.

2. In support of this application the defendant No.13 filed his affidavit, he contended that after filing the written statement there is no issues framed with regard to contention taken in the written statement. So that reason to frame the addl. Issues are required. Further if the application is allowed no loss or hardship caused to the plaintiff. Hence, he prays to allow this application.

3. The plaintiff counsel filed objection to said application contended that the application filed by the defendant No.13 is not maintainable either in law or facts. Further the present application is filed with an intention to drag on the proceedings there is no require for framing of addl. Issue. Hence he prays to reject the said application.



4. Heard and perused the material placed on record.

5. The following points arise for my consideration.

- 1) *Whether the I.A. No.XXIII deserves to be allowed?*
- 2) *What order?*

6. My answers to the above points are as under:

**Point No. 1** : In the partly affirmative.

**Point No. 2** : As per final order  
for the following:

**: REASONS :**

7. **Point No.1:** The plaintiffs are filed this suit against the defendants for relief of partition and separate possession, in the written statement of defendant No-13 taken contention that suit of plaintiff is barred by law of limitation, defendant No-13 is bonafide purchaser of item No-4 of the suit property and there is no cause of action to file this suit. Further this court framed the issues, but the specific defence taken by the defendant No.13 in respect of bonafide purchaser of item No-4 of the suit property, but already with regard to suit of the plaintiff is barred by law of limitation issue was framed. Further with regard to



cause of action is concern that the cause of action is bundle of facts. Hence there is no necessary to frame issues on cause of action.

8. Further as per Order XIV Rule 5 of C.P.C. makes it clear that power to amend or strike out issues, the court may at any stage before passing a decree amend the issue or frame addl. Issue on such terms as it thinks fit, all addl. Issues may be necessary for determining the matter in controversy between the parties shall be so made or framed. The above said provision makes it clear that the court may at any stage to resolve the dispute / controversy between the parties to frame or strike out any issues. In the present case there is specific pleading in the written statement of defendant No.13 that he is bonafide purchaser of item No-4 of the suit property and in order resolve the dispute between the parties to framing addl. Issue is very much in necessary. If the said application is allowed no loss or hardship is caused to the other side. Hence, I answer **point No.1 in the partly affirmative.**

9. **Point No. 2:** In view of the aforesaid reasons, I proceed to pass the following:



**ORDER**

*The I.A. No.XXIII filed by the applicant/ defendant No.13 under Order XIV Rule 5 R/w. section 151 of CPC to frame the addl. issue is hereby partly allowed.*

*No order for cost.*

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this date the 23<sup>rd</sup> day of August, 2025)

Sd/-

(Raghunath Gowda K.T.)  
Senior Civil Judge & J.M.F.C.,  
N.R.Pura, Itinerate at Koppa.