

Defendant No.5 filed I.A.No.2 under Order XIV Rule 5(2) of CPC with prayer to frame the additional issues as follows:

1. Whether the plaintiff proves that, the description of suit property is proper and correct?

2. Whether the plaintiff proves that, as per partition between Abjit and his family members partitioned their property in the year 1992 and suit property is fell to the share of Abjit?

3. Whether the plaintiff proves that, the possession of the suit property of defendant No.5 and 6 is illegal and they have no right, title and interest over the suit property?

4. Whether the plaintiff proves that, there is a cause of action arose to file this suit?

5. Whether the defendant No.5 proves that, the Hon'ble court is not having pecuniary jurisdiction to hear and decide this suit?

6. Whether the suit of the plaintiff is maintainable without the relief of declaration?

And prayed to allow the application and treat the issue No.5 as preliminary issue.

On the other hand counsel for plaintiff submit no objection to allow the I.A.

Heard the argument, perused and satisfied, I.A. is allowed. Accordingly, additional issues are framed as arrayed in I.A.No.2. Read over and explained to both the parties in open court.

For hearing on issue No.3 and additional issue No.5. Call again.

Prl. Civil Judge, Dharwad.