

IN THE COURT OF I ADDL.SENIOR CIVIL JUDGE & CJM.,
AT: DHARWAD.

O.S.No.274/2006

Plaintiffs : Shri Vasant S/o. Shankar Rao Rege
and Another.

V/s.

Defendants : Shri. Sakkharam S/o. Madhav Rao
Rege and Others.

ISSUES

- 1 Whether the Genealogy shown by the Plaintiffs in Annexure-A is proper and correct?
- 2 Whether the description of the suit schedule properties shown by the Plaintiffs in Annexure-B is proper and correct for its proper identification by the Defendants?
- 3 Whether the Plaintiffs prove that they and the Defendants No.1 to 30 are the joint family members?
- 4 Whether the Plaintiffs prove that the properties shown in Annexure-C are purchased out of the income of joint family properties and funds and all the suit schedule properties shown in Annexure-B are the joint family properties of them and the Defendants No.1 to 30 and as such, they have 1/11th share each in the suit schedule properties?
- 5 Whether the Plaintiffs prove that the joint family properties shown in Annexure-D are misused by the Defendants as alleged?
- 6 Whether the Defendants No.1 and 9 prove that, the Plaintiffs by taking undue advantage of their names in the record of rights and all the portion that is acquired because of the love and affection shown by their family, the Plaintiffs

are claiming their legal rights without taking the responsibility of the burden of the family and repayment of loan?

- 7 Whether the Defendants No.1 and 9 prove that, the Plaintiffs and their family members have got huge liquid cash and Bank balances and wealth accumulated all these days, whereas, they and their family members have all the responsibility and burden of the family and loans and so in order to take advantage of this situation, the Plaintiffs have made this false attempt to grab their property?
- 8 Whether the Plaintiffs prove that, the Defendants No.9 and 13 have misused the rents and not accounted properly as alleged?
- 9 Whether the Plaintiffs prove that, the Defendants No.9 and 13 have misused the power of Attorney, Assets and income of the joint family as alleged?
- 10 Whether the Plaintiffs prove that, the Defendants No.9 and 13 have sold the family business materials and the amount so realised have not been accounted and misappropriated as alleged?
- 11 Whether the Plaintiffs prove that, the Defendants No.9 and 13 have utilised all the joint family amount for purchase of movable and immovable properties and hence, they are liable to render the proper accounts as alleged?
- 12 Whether the suit filed by the Plaintiff is bad for non-inclusion of other family properties as contended by the Defendant No.3?
- 13 Whether the Defendants No.3 and 7 prove that, the properties shown in Para No.3 and 4 of Annexure-C are the self acquired properties of Defendant No.9?

- 14 Whether the Defendant No.7 proves that, Sl.No.11 property shown in Annexure-B is not a joint family property, but, it is a property of Defendant No.1 alone?
- 15 Whether the valuation made by the Plaintiffs for the purpose of Court fee and jurisdiction is proper and correct?
- 16 Whether the suit filed by the Plaintiffs is bad for mis-joinder of parties?
- 17 Whether the suit filed by the Plaintiffs is maintainable?
- 18 Whether the Plaintiffs prove that, they have 1/11th share each in the income and expenditure of the joint family properties and as such, the Defendants No.1, 9 and 13 are liable to render the detailed accounts of income and expenditure of the joint family properties?
- 19 Whether the Plaintiffs prove that the Defendants No.1 to 30 have refused to give their share in the suit schedule properties?
- 20 Whether the Plaintiffs are entitled for 1/11th share each in the movable and immovable assets of their family properties?
- 21 Whether the Plaintiffs are entitled for 1/11th share each in the income and expenditure of the joint family properties?
- 22 Whether the Plaintiffs are entitled for mesne profits?
- 23 Whether the Plaintiffs prove that, Registered Sale Deed dated 09.02.2001 in respect of CTS No.210/13/MF measuring 250 Sq.Yards, is not binding on them?
- 24 Whether the Plaintiffs are entitled for the reliefs of Partition and Separate Possession,

Mandatory Injunction, Mesne profits and
Declaration as prayed for?

25 What Order?

Place : Dharwad.

Date :14-11-2018

(INDIRA MAILSWAMY CHETTIYAR)

I Addl.Senior Civil Judge
& CJM.,Dharwad.