

OS 3/2020

Counsel for defendant filed written arguments on the application.

Counsel for plaintiff given reply to the application.

Posted for orders.

Sd/-

(Smt. P.R. Patil) 09/02/2024.
II Addl. Senior Civil Judge
& JMFC, Hubballi.

**ORDERS ON IA NO.5 FILED BY THE
DEFENDANT NO.4 U/O 14 RULE 5
OF CPC**

Counsel for defendant no.4 filed the said application for framing of addl. issues. Defendant no.4 sworn with affidavit and submits that the plaintiff is not a legal representative of deceased Shivamurtayya S/o Chennayya Salimath. The relationship between Shivamurtayya and Basavva is seriously disputed by defendants. The said Basavva noway concerned to the family of plaintiff and defendants. Therefore, prayed to framing of addl. issues about the relationship between Shivamurtayya and Basavva.

Counsel for plaintiff filed objection and denied the averments of the application. The plaintiff submitted

that defendants filed false application to defeat the right of the plaintiff over the suit property. Therefore prayed to dismiss the application

Counsel for defendant filed his written argument on the said application. Counsel for plaintiff advanced his hearing on the application.

Perused the case file, application and objection.

Shivamurtayya is plaintiff in this case. He filed this suit against his nephew for partition and separate possession of the suit schedule properties. During the pendency of this case the said Shivamurtayya expired. Who is sole plaintiff in this case. After his death one Basavva filed application stating that she is wife of Shivamurtayya and she continued with the case. As per the defence of the defendants the said Basavva is not a wife to the Shivamurtayya. Therefore, in order to ascertain this fact the issues are required as stated by the defendant no.4. Therefore, this court partly allowed the application.

Additional issues framed.

Posted for plaintiff evidence.

Call on 12/02/2024.

Sd/-

(Smt. P.R. Patil) 09/02/2024.
II Addl. Senior Civil Judge
& JMFC, Hubballi.