

ORDER ON I.A.NO.V:

The present application is filed by the defendants under order of 14 Rule 5 of CPC seeking framing of additional issues in respect of pecuniary jurisdiction of this court and payment of court fee and limitation.

2. Along with I.A. memo of facts is filed contented that this suit has filed by the plaintiff against the defendants for the relief of declaration and possession. Therefore, the plaintiff is not properly valued the suit for the purpose of court fee and jurisdiction. Further, the suit is barred by limitation with regard this aspects this court has not framed issues. Hence, the defendants sought to allow the I.A.

3. In spite of sufficient opportunity, the plaintiff did not filed objections to oppose the application.

4. Heard arguments.

5. The points that would arise for my consideration are:-

1) Whether the application filed by the defendants is deserves to be allowed?

2) What order ?

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

POINT NO.1: Affirmative.

POINT NO.2: As per final order for the following:

:REASONS:

7. **POINT NO.1:-** This is a suit filed by the plaintiff against the defendants for relief of declaration and possession in respect of suit schedule property. After service of suit summons, the defendants appeared before this court and filed detailed written statement denying the plaint averments. In the written statement the defendants have contended that, the plaintiff is not valued the suit properly for the purpose of court fee and jurisdiction. Further, the defendants taken a contention that, the suit has barred by limitation. In spite of taking those contentions this court has not framed the issues in the said aspects. In spite of sufficient opportunity the plaintiff did not filed objection to the application. Hence, I am of opinion that, the additional issues are just on necessary to decide the controversy invovled between the parties in this suit. Hence, application filed by the defendants is deserves to be allowed. Accordingly I answered Point No.1 in the "Affirmative".

8. **POINT NO.2:-** That in view of the discussions made in point No.1, this Court proceed to pass the following:

:ORDER:

**I.A.No.V filed by the
defendants U/O.14 R. 5 of
Code of Civil Procedure is
hereby allowed.**

(Dictated to the Stenographer, transcribed by 04th day of August 2018)

(Nagesha C.)
Civil Judge &JMFC:
Belur.