

**: ORDER ON I.A.NO.XIII :**

The present application is filed by the defendants U/O. 14 Rule 5 of Code of Civil Procedure to seeking prayer to frame additional issues as stated in the application.

2. Along with application memorandum of facts is filed. In the memorandum of facts the defendants contended that, this court is not framed issues regarding possession of the plaintiff in respect of the road even though there is a contention taken in the written statement. Hence, defendants has request to frame additional issues.

3. On the other hand, the plaintiffs has filed detailed objections and opposing the application.

4. Heard the arguments of both the sides on the instant I.A.

5. Considering the contentions as taken by both sides, the following points would arise for my determination:

1. Whether the application filed by the defendants are deserve to be allowed?

2. What Order ?

6. My findings to the above points are:-

POINT NO:1 : In the Affirmative

POINT NO:2 : As per final order

for the following:

**:REASONS:****POINT NO.1:-**

7. This is a suit filed by the plaintiffs against the defendants for the relief of Declaration and Permanent Injunction in respect of suit schedule property. After service of summons the learned AGP appeared on behalf of defendants and filed detailed written statement denying the plaint averments. On the basis of pleadings, this court has framed several issues. On the basis of issues G.P.A. holder of the plaintiffs has examined as PW-1 and marked as many as 26 documents. The relief claimed by the plaintiffs that, they are using the road passing through Sy. No.11, 12, 14 and 16. In that regard no issue is framed and also Sy.No.11, 12, 14 and 16 are the government lands. Therefore, they contended that suit is hit by U/s 61 of Karnataka Land Revenue Act. Therefore this suit is not maintainable before this court as per the aforesaid provision. In that regard there is a defence in the written statement by the defendants. But, this court by oversight has not framed issues. Hence it is necessary to frame additional issues as stated by the defendants in the application. Hence, Point No.1 answered in the Affirmative.

**POINT NO.2:-**

10. In view of the detailed discussions made supra, this court proceed to pass the following:

**:ORDER:**

**I.A.No.XIII filed by the applicants/Defendants  
U/O.14 rule 5 of Code of Civil Procedure is hereby  
allowed.**

**Call on .**

(Dictated to the Stenographer, transcribed by her, corrected and revised by me and then pronounced in the open Court on this the 08<sup>th</sup> day of December 2020)

**(Nagesha C.)  
Civil Judge :Belur.**