

Order on I.A.No.XIII

The application I.A.No.XIII has been filed by the counsel for defendant No.22 U/O 14 Rule 5 of CPC to frame additional issues as stated in the application.

2. The application is supported by affidavit of the defendant No.22 and it is sworn that he raised a plea that the valuation of the schedule property and the court fee paid by the plaintiff is not sufficient but issue in respect of said plea is not framed by this court. Hence prayed to allow the application.

3. The counsel for plaintiffs has filed objection to the present application and it is stated the plaintiffs have properly valued the suit and paid the court fee. The defendant No.22 in order to drag the proceedings has filed the present application. Hence prayed to dismiss the same.

4. Heard the arguments of counsel for both parties.

5. The counsel for defendant No.2 has filed by present application to frame additional issue with respect to the valuation made by the plaintiffs in respect of suit schedule property and also about payment of court fee. On perusal of the written statement filed by the defendant No.22, he raised a plea that the suit is not properly valued and court fee made by the plaintiff is not sufficient. On perusal of the issues framed by this court dated 24.08.2023, there is a issue framed about payment of court fee by the plaintiff but the said issue has casted burden upon the defendant No. 1 to 4, 8 and 9. The said issue is in respect of payment of court fee and valuation the same has to be altered and to necessary issues should be framed. By considering the reasons stated in the application,

the same deserves to be allowed. Hence this court proceed to pass the following:

ORDER

The application I.A.No.XIII filed by defendant No.22 U/O 14 Rule 5 of CPC is hereby allowed

The additional issue No.2 framed by this court dated 24.08.2023 is hereby altered and fresh additional issues have been framed.

No order as to cost.

For cross-examination of PW-1.

Call on 19.09.2024

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 29th day of August, 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**

Additional Issues

1. Whether the valuation made by the plaintiff in respect of suit schedule is correct and court fee paid by the plaintiff is sufficient?
2. Whether the defendant No.22 proves that the suit is bad for non joinder of necessary parties as contended in his written statement?

Dated this the 29th day of August, 2024

**Senior Civil Judge and J.M.F.C
H.D.Kote**