

Order on I. A.No.VI

The application I.A.No.I is filed by defendant No.7 U/O 14 Rule 5(1)(2) of CPC to recast issue No.3.

2. The application is supported by affidavit of the defendant No.7 and it is sworn that the plaintiff has claimed relief of possession of item No.2 of property of plaint 'A' schedule from defendant No.2 but this court by oversight has framed issue that the plaintiff is entitle to take possession of item No.2 of 'B' schedule of property from defendant No.7. It is also stated that the said mistake has to be rectified. Hence prayed to allow the application.

3. The counsel for plaintiffs has submitted no objection to the application

4. Heard the arguments of counsel for both parties.

5. The counsel for defendant No.7 has filed by present application to recast issue No.3 framed by this court. On perusal of the issue No.3, framed by this court the issue has been framed that whether plaintiffs are entitle to take possession of item No.2 of suit 'B' schedule property from defendant No.7? On perusal of the relief claimed by the plaintiffs in the plaint, they have claimed the relief that they are entitle to take possession of second item of 'A' schedule property from defendant No.2. By considering the said relief claimed by the plaintiffs, this court due to oversight has framed issue No.3 and the same has to be recasted. Hence 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.VI filed by defendant No.7 U/O 14 Rule 5(1)(2) of CPC is hereby allowed and issue No.3 has been hereby recasted .

No order as to cost.

For cross of PW-1

Call On: 02.03.2024

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 16th day of February, 2024)

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