

Order on I.A.No.XIII

The application I.A.No.XII is filed by plaintiff U/O 14 Rule 5 of CPC to recast issues framed by this court.

2. The application is supported by affidavit of the plaintiff and it is sworn that this court has framed four issues based on the pleadings of both parties. It is further stated that in the said issues framed by this court, the date of agreement is wrongly mentioned as 22.10.2008 instead of 06.08.2014 and the same has to be rectified. Hence prayed to allow the application.

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

4. Heard the arguments of counsel for both parties.

5. The counsel for plaintiff has filed by present application to recast issues framed by this court. The plaintiff has filed present suit for specific performance of contract and this court has framed issues on 18.11.2022. When the issues were framed the date of agreement is wrongly mentioned in the said issues. Moreover on perusal of issue No.1 framed to this court the same is not relevant to the pleadings of both parties and therefore the issue No.1 has to be recasted and the date found in issue No.3 has to be rectified. Therefore 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 plaintiff U/O 14 Rule 5 of CPC is hereby allowed

**The issue Nos.1 and 3 are hereby
recasted .**

No order as to cost.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 20th day of July 2024)

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

Recasted Issues

1. Whether the plaintiff proves that the defendants had agreed to sell the suit schedule properties in his favour for total consideration amount of Rs.10,00,000/- and after receiving the advance amount of Rs.9,00,000/- they executed the agreement of sale dated 06.08.2014?
3. Whether the plaintiff entitle for the relief of specific performance of contract has prayed in the plaint?

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