

KAUK030008302021



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE, KARWAR
AT: KARWAR**

ORIGINAL SUIT NO: 76/2021

Plaintiffs : Sri. Pradeep S/o Shivanand Anvekar & others

V/s

Defendants : Sri. Abdul Rahim S/o Amanulla Shaikh & others

ISSUES

1. Whether the plaintiffs prove that they are the absolute owners of the suit schedule property?
2. Whether the plaintiffs prove that defendant No. 1 has acted in contrary to the terms and conditions of the development agreement and GPA dated 11-04-2016 and thereby constructed Ground plus 3 floors. Where the agreement between the parties was to construct only 3 floors?
3. Whether the plaintiffs prove that defendant No.1 has acted outside the scope of his authority and thereby constructed flats in the 3rd floor and executed registered Gift Deed dated 23-11-2020 in favour of defendant No. 2, 3 and 4 with respect to the e-property bearing No. 10-2-511-32-3-1?

4. Whether the defendant No. 1 proves that, plaintiffs have received an additional amount of Rs. 4,00,000/- under an agreement dated 25-05-2018 before the construction of the 4th floor and thereby impliedly permitted the defendant No. 1 to construct further?
5. Whether the suit is properly valued and the court fee paid is sufficient?
6. Whether this court has pecuniary jurisdiction to try this suit?
7. Whether the plaintiffs are entitled to the relief as sought for?
8. What order or decree?

Place: Karwar.

Date : 09/11/2022

Addl.Civil Judge, Karwar.