

**ORDER ON APPLICATION FILED U/SEC.151 AND ORDER XIV  
Rule 5 OF C.P.C.**

I	Provision under which the application is filed	Under section 151 and U/O. XIV Rule 5 of C.P.C
II	Relief sought for	To frame additional Issues
III	The date on which the application filed.	10-10-2025
IV	Number of application.	I.A.No.XVI
V	The date on which the objection filed by opponent.	The plaintiff submitted no objection
VI	The date of which the order passed on the application.	03-01-2026

The counsel for the defendant No.3 has filed this application seeking to frame additional issues as bellow:

1. Whether the Plaintiffs prove that they and defendant Nos. 1A and 1F are the legal heirs of Sidyali Mohiddin Bin Hussain Kadli and Sidyali Mohammed Bin Hussain Kadli as contended by them?
2. Whether the Plaintiffs prove that they were in joint possession and enjoyment of the suit schedule property as on the date of the suit?
3. Whether defendant Nos. 3 and 5 prove that the suit is hopelessly barred by the law of limitation?
4. Whether the Plaintiffs prove the cause of action as averred by them?
5. Whether the defendant Nos. 3 and 5 prove that whether the Plaintiffs without seeking possession of the suit schedule property are entitled to the relief claimed in the suit?

6. Whether the plaintiffs prove that, the court fees paid is sufficient?
7. Whether defendant Nos. 3, 5 and 6 prove that defendant No.3 and 6 are the bonafide purchaser of the suit schedule property?
8. Whether defendant No. 3 and 5 prove that the suit is hit by the provisions of Karnataka Co-op Societies Act and that therefore the suit is not maintainable and that it is liable to be rejected?

**2.** Further it is stated in the affidavit to the application that, the applicants/defendant No. 3 and 5 have taken specific contentions in the suit by disputing the averments made in the plaint, on account of which disputed facts, the issues mentioned in the annexed application would arise for consideration and as such those issues are to be framed to arrive at a just and right decision in the suit. In view of those contentions the additional issues as sought in the annexed application are to be framed in this regard in the suit for the effective adjudication of all the disputes involved in the suit. If no such proper issues are framed in respect of the specific pleadings contained in the contentions of the Plaintiffs and defendants, it would lead towards miss-trial of the suit. Therefore the proper and necessary issues are to be framed in this regard. Hence pray to allow this application in the ends of justice.

**3.** The plaintiff counsel filed no objection to the application .

**4.** Heard the arguments, perused the documents available on record.

**5.** In view of above said facts and circumstances, the points that would arise for my consideration is as below:-

1. Whether application filed by the defendant No.3 Under section 151 and U/Order XIV Rule 5 of C.P.C is deserves to be allowed?
2. What order?

6. My answers to the above points is as below:-

Point No.1: In the **Partly Affirmative.**

Point No.2: In view of above  
for the following:

**REASONS**

7. **Point No.1:** This suit filed by the plaintiff against the defendants for the relief of declaration and partition with respect to the schedule property mentioned in the plaint. At the stage of cross of PW1, the counsel for defendant No.3 has come up with this application praying to frame additional issues as stated above.

8. On perusal of the pleadings, it is clear that, the plaintiffs and defendant No. 1(a) to (f) have stated that, they are legal heirs of Sidyali Mohiddin Bin Hussain Kadli and Sidyali Mohammed Bin Hussain Kadli . Further, the defendant No.3 and 6 stated in their written statement that, they are the bonafide purchaser of the suit schedule property. But no issues have been framed on that point. Hence, if issue on the above pleadings are framed, it may help this court to adjudicate the dispute between the parties. Further, this court already framed issue regarding the limitation. The other proposed issues will be covered in the additional issues framed on 17-08-2024 and Issue No.4. On the other hand no hardship will cause to the other hand. Hence, by considering facts and circumstances: I proceed to answer this point in the **Partly Affirmative.**

9. **Point No.2:** For the forgoing reasons, I proceed to pass the following:-

**ORDER**

The I.A.No.XX i.e., Application filed U/Sec. 151 and U/O. XIV Rule 5 of C.P.C. is hereby partly allowed.

Additional Issues framed.

For cross of PW1 Call on 09-01-2026.

**Sd/-**

Addl. Civil Judge and  
JMFC., Bhatkal.