

**In the Court of the Senior Civil Judge & JMFC,
Shahapur**

O.S.No.53/2024

Plaintiff: Shakief & Ors.

V/s

Defendants: Saidamma & Anr.

Claim: Suit for partition and
Separate possession.

Issues

1. Whether the plaintiffs prove that, suit schedule properties are the Mathruka properties of plaintiffs and defendants?
2. Whether the plaintiffs prove that, the plaintiffs and defendants are in joint possession of suit schedule properties as tenants in common?
3. Whether the defendant No.1 proves that, her husband was owner and possessor of suit properties and he had orally gifted the suit properties and delivered the possession of suit properties to her and she has accepted the gift?
4. Whether the defendant No.1 proves that, by virtue of oral gift the she became owner and possessor of suit properties?

5. Whether the defendant No.1 proves that, the father of plaintiff No.1 to 3 and husband of defendant No.4 and son of defendant No.1 was suffering from cancer disease and the defendant No.1 had spent more than Rs.15,00,000/- to provide medical treatment to him?
6. Whether the defendant No.1 proves that, due to clear off debt borrowed for medical expenditure of her son (father of plaintiff and No.1 to 3 & husband of defendant No.4) she has sold the suit land to the defendant No.2 for Rs.4,25,000/- and received earnest money of Rs.3,24,000/- and executed Registered Agreement for Sale with possession on 16-01-2024?
7. Whether the defendant No.1 proves that, the defendant No.2 was is in possession of suit land as on the date of suit?
8. Whether the plaintiffs are entitled for relief of partition and separate possession as sought for?
9. What order or decree?

Dated: 10th day of March-2025.

(Sri.Sidram.T.P.,)
Senior Civil Judge
& JMFC, Shahapur