

ORDER BELOW EXH.1

(Passed on 01-01-2026)

Heard the respective learned advocates for the parties. Gone through the record.

2] My learned predecessor in office as per order dated 07.10.2025 pleased to hold that the issues framed by his predecessor in office vide Exh.48 are not distinctly segregated as far as their formulation with reference to the material questions of the law and facts. Accordingly he pleased to direct respective learned advocates to advance their respective submissions on the necessity and propriety of framing the additional issues in relation to (i) declaration of tenancy rights claimed by the plaintiff, (ii) the declaration of possession asserted by the plaintiff and its legal sustainability and (iii) the procedure and due process of law to be followed concerning the reliefs of declaration sought in the suit.

3] It is brought to my notice that the matter is at the stage of final hearing. In deed, it can be seen from the record that the respective advocates for the parties have started their final arguments. My learned predecessor in office after comprehensive examination of the record and taking the resource to Order XIV Rule 5 of CPC found it proper to segregate and distinctly delineate the issues which are already framed issues.

4] Considering the fact that in view of Order XIV Rule 1 of CPC provides for framing independent issue in respect of every fact asserted by one party and denied by another, I find it necessary to re-caste the issue framed by my learned predecessor in office as per Exh.48. Accordingly I proceed to frame the re-casted issues on Exh.48.

5] I have already directed all the concerned advocates for the parties that the matter is expedited and it will be heard on priority basis. The court accepts cooperation from the parties and their advocates for expeditious disposal of the present matter. The hearing of the matter will be conducted on day to day basis and matter will not be adjourned without there being compelling ground to do so.

Date : 01/01/2026.

(**Shivnath M. Kale**)
Civil Judge (Sr.Dn.), Akot.