



ORDER BELOW EXH. 62 IN Spl.C.S No.21/2015

(Sk. Khaleelullah Vs. MCA)

1. Plaintiff has filed this application for recasting of issues.
2. Plaintiff has submitted that in this case, defendant has taken specific plea about demolition of building in their written statement. Hence, burden of proof is on defendant to prove legality of their action. Hence issues be re-casted as mentioned in this application.
3. Defendants have strongly opposed this application. Defendants have submitted that issues framed by this court are legal and proper. Hence this application is liable to be rejected with costs.
4. I heard learned counsel for the parties.
5. I perused this application and say submitted. I perused record of this case. I have perused issues framed by this court below Exh.No.14 on dated 11.02.2016. This case is remanded by Hon'ble District Court by order dated 08.09.2022. Hon'ble District Court has made this case time bound. In spite of it, plaintiff has failed to adduce his evidence in spite of several chances. Hence this case was kept for dismissal order.

6. In spite of it, plaintiff has failed to file his evidence. Conduct of plaintiff shows that he is not interested in prosecuting this case. Plaintiff is challenging issues framed by this court in the year 2016 in the year 2023 which shows that plaintiff has filed this application just to prolong the proceeding. When plaintiff has filed this suit, initial burden is on him to prove his case. Plaintiff cannot seek to put burden of proof on defendant. Issues framed by this court are legal and proper. Hence this application is liable to be rejected. Therefore I pass this order.

ORDER

This application is hereby rejected.

Date :- 07.06.2023

(Smt. S. N. Morwale)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: S.V. Kondekar, Stenographer (Grade-2)
Court	: C.J.S.D. (Corporation Court), Aurangabad.
Date	: 07.06.2023
Order signed by the presiding officer on	: 07.06.2023
Order uploaded on	: 07.06.2023