

MHJN020008992014



ORDER BELOW EXH.97
(Passed on 07.04.2025)

1. The plaintiffs have filed present application for re-casting of issues. It is submitted that, there are pleading and documents filed by plaintiff as well as defendants. However, issues framed in the suit are not sufficient to decide the matter in the light of oral as well as documentary evidence adduced by both parties. Therefore, the plaintiffs have proposed two additional issues casting burden upon the defendants.

2. On the contrary, the defendants have filed their say vide Exh.98 and submitted that there is no need to re-cast the new issues as proposed by the plaintiffs. The plaintiffs have filed present application only to prolong the matter and therefore, it is liable to be rejected.

3. Heard learned advocates of both parties and perused record. Already final argument heard on behalf of plaintiff and suit was fixed for argument on behalf of defendants. However, during argument learned advocate for both parties have noticed that there are three suits filed by plaintiffs. In all the three suits issues are different.

4. It is not disputed that the plaintiffs have filed three suits against the defendants i.e. Spl. C. S. no. 61/2014 (Lata+1-Vs-

Vipulkumar+2), Spl.C.S. no.63/2014(Lata+1-Vs-Hitendrakumar+2), Spl.C.S.no.64/2014(Lata+1-Vs-Shailesh Puri+1). All the three suits are pending before this court for argument. The plaintiffs have claimed in all the three suits declaration of ownership of suit plot, the sale-deed of suit plot executed by defendant no.1 in favour of defendant no.2 is null and void and not binding upon the plaintiffs and perpetual injunction against the defendants. The plaintiffs have claimed ownership and possession over the suit property on the basis of revenue entries recorded on the basis of application filed by husband of Nanbai Gansi Visriya.

5. At the same time, the defendants have claimed ownership on the basis of registered sale-deed executed by Premaji Gansi in favour of defendant no.1 in all suit. However, there are no specific issues in that respect. Moreover, issues in all three suits are different. Therefore, considering the pleading, evidence and submission of both parties, the issues already framed needs to be corrected and re-casted in proper manner and sequence. Therefore, application filed by plaintiffs deserves to be allowed with the following order.

ORDER

1.	Application filed by plaintiffs vide Exh.97 is hereby allowed.
2.	The issues already framed vide Exh.35 are being re-casted.

3.	Both parties have liberty to adduce evidence in respect of re-casted issues if any.
4.	Application is accordingly disposed off.

Date:-07.04.2025

(Madhuri R.Khanwe)
2nd Jt.Civil Judge (Sr.Divn.)
Jalna

CERTIFICATE

I stated that the contents of this PDF file are word to word as per original

Order.

Name of Steno : Pratiksha B. Magare
Name of Court : 2nd Jt.Civil Judge(Sr.Divn.),Jalna
Date of PDF : 07.04.2025.

Steno.