

Order below Ex. 58 in R.C.S.No. 184/2011

1. This is an application moved by defendant Nos. 2 and 3 to frame additional issues as follows :

1. Whether plaintiff proves that alleged lease deed dated 17.4.2003 is legal, valid and enforceable ?
2. Whether plaintiff proves that alleged power of attorney is subsisting after the sale transaction between the defendants ?
3. Whether suit is maintainable in the present form ?

2. It is contended that, the plaintiff has taken exception to lease agreement dated 17.4.2013. It is contended that, plaintiff has pleaded about the power of attorney dated 29.4.2003. However, after suit properties sold by defendant No.1 to defendant Nos. 2 and 3 the power of attorney in question does not survive. Therefore, it is contended that, the additional issue as prayed be framed.

3. The plaintiff has filed say below Exh. 59 and strongly opposed this application on the count that, there is no pleadings in the written statement regarding the proposed issues in question. Therefore, proposed issues are not necessary. It is further submitted that, already issues are framed which are necessarily involved in this matter. Therefore, there is no question to frame additional issues.

4. Heard both sides, gone through the record. It appears that, issues are framed below Exh. 20. If pleadings of both the parties are perused it becomes clear that, necessary issues are already framed which are involved in the matter. Therefore, it becomes clear that, there is no necessity to frame additional issues as prayed by applicant. Therefore, application deserves to be rejected. Accordingly, same is rejected.

Sd/-

Date : 21-6-2016.

Civil Judge Sr.Dn.,
Jaysingpur.

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

Name of the Stenographer	S.R. Ladekhan
Name of Court	Civil Court, Sr.Dn. Jaysingpur.
Date of decision	21/06/16
Order signed by the P.O. on	21/06/16
Order uploaded on	22/06/16