



ORDER PASSED BELOW EXH.81
IN SPECIAL CIVIL SUIT NO.11/2021

[CNR No.MHKO090001252021]

The present application is filed by defendant nos.1 and 2 for re-casting the issues framed below Exh.37. It is the prime contention of the defendants that the issues framed in the present suit are not confined to the material proposition of fact and law. Therefore, they need to be re-casted. The defendant also cited the proposed issue in the application.

2. The other side strongly opposed the application on the ground that the issue framed below Exh.37 is in consonance with the pleading and reflect the real controversy between the parties. Therefore, the present application is liable to be rejected.

3. Heard both the sides at length. Perused the proceeding and issues. On going through the issues framed below Exh.37, it appears that all the real controversy and material proposition are covered under the present issues. However, on perusal of plaint, it manifest that it is the contention of the plaintiff that the property was purchased jointly by plaintiff and Harry. Therefore, to the extent of this fact, one issue need to be added. So far as other proposed issues are concerned, it is already covered by the issues framed below Exh.37. Therefore, in my view,

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there is no necessity to entirely re-caste the issues. Only adding one issue will suffice the purpose. Thus, I pass the following order :-

ORDER

- 1] Application is partly allowed.
- 2] Additional issue at Sr.No.1A i.e. "Whether the plaintiff and Harry jointly purchased the suit property ?" be framed.

Place : Gadhinglaj.
Date : 07.01.2025.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj