

MHKO110008822016



**ORDER PASSED BELOW Exh.01 IN**  
**Regular Civil Suit No. 146/2016**  
**( Kum. Asmita Deepak Powar etc. Versus**  
**Shri.Dipak Laxman Powar etc.)**

The matter is for judgment. However, after reading the contentions of parties, documents on record it appears that present suit is filed by the plaintiff for partition. However, after perusal of the written statement of the defendants it appears that they contended that present suit is bad for non joinder of necessary parties. Further, they prayed for compensatory cost. Therefore, issue to that regard needs to be framed. Furthermore, issues framed below Exh. 34 needs to be recasted, accordingly I recasted and framed additional issues as follows.

**- ISSUES -**

- 01.** Whether plaintiffs prove that the suit properties are ancestral properties of the plaintiffs & defendants ?
- 02.** Whether defendants prove that previous partition took place between them as alleged ?
- 03.** Whether suit is bad for non-joinder of necessary parties ?
- 04.** Whether plaintiffs are entitled for partition & separate possession of the suit property ? if yes ? What share ?
- 05.** Whether the suit properties are properly described in the plaint ?

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**06.** Whether defendants are entitled for compensatory costs of Rs.35,000/- as claimed ?

**07.** What order and decree ?

The plaintiffs and defendants has liberty to adduce additional evidence in respect of aforesaid issues, if any.

Date:- 23-12-2022.

( S.D.Shirsat )  
02<sup>nd</sup> Jt C.J.J.D.Peth-Vadgaon