



Special Civil Suit No. 13/2020

Order below Exhibit 40.

The plaintiff has filed this application to frame additional issues on the basis of pleadings of the defendants.

2. The defendants have given say on this application and taken strong objection with prayer to reject the application.

3. Heard advocates of both sides. It is submitted by advocate for the plaintiff that defendants No. 1 to 3 filed written statement at Exh.26 and 38. It is contention of defendant No.2 that he has no any concern with the criminal case filed against the plaintiff. It is contention of defendants No. 1 and 3 that the criminal case filed against the plaintiff was legal and proper. Therefore, in view of the contentions of the defendants, additional issues needs to be framed to keep the burden of proving those facts on the defendants.

4. The issues were framed at Exh.28. Issue No.2 was framed as “does the plaintiff prove that defendants filed false and frivolous criminal case against him”. The burden of proving this issue is kept on the plaintiff. If the plaintiff

somewhat succeeded to prove the facts in respect of this issue then the onus shifts on the defendants to prove the facts that criminal case was legal and proper and defendant No.2 has no concern with that criminal case. Therefore, issue No.2 includes the proposed issues as prayed by the plaintiff in this application. Therefore, there is no need to frame additional issues. Hence this application is liable for rejection. In the result I pass the following order :

O r d e r
Application is rejected.

Date :- 16/03/2024. (P. A. Savadikar)
Civil Judge S. D. Ahmedpur
District Latur.