

	<p>Order Passed Below Exh.64, In R.C.S. No. 518/2019 (Passed on 07<sup>th</sup> day of April, 2026) Ashok Vrs. Govind CNR NO.MHLA060014012019</p>
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01. The present application is filed by the plaintiff seeking framing of an additional issue to the following effect:

*“Whether there is a boundary dispute between the land of the plaintiff and the defendants?”*

02. The case of the plaintiff, in brief, is that he is the owner and possessor of land bearing Gat No.129/2/1 admeasuring 36R situated at village Ahmedpur Dist.Latur, and that the defendants are adjoining owners of land bearing Survey No.124. It is contended that though the suit land was measured on two occasions through the Land Records Office Ahmedpur and boundary marks were fixed, the defendants did not accept the said measurement and allegedly removed the boundary stones, thereby giving rise to a boundary dispute.

03. The defendants have opposed the application vide (Exh.67) contending that the same is filed at a belated stage with an intention to delay the proceedings. It is further submitted that the suit is part-heard, the oral evidence of the plaintiff is already concluded, and a similar application has earlier been rejected by this Court. It is also contended that there is no dispute regarding boundary or encroachment requiring adjudication.

04. Upon perusal of the pleadings, it is evident that the suit is filed for declaration of ownership and perpetual injunction. The plaintiff has not sought any specific relief for determination or fixation of boundary. The foundation of the suit is based on

ownership and possession, and not on adjudication of a boundary line as such.

05 It is a settled principle that issues are to be framed on the basis of material propositions of fact or law arising from the pleadings. In the present case, the pleadings do not disclose a substantive and independent cause of action requiring adjudication of a boundary dispute as a distinct issue.

06. Moreover, it is pertinent to note that the Hon'ble High Court, in Writ Petition No. 8796 of 2024, has observed that upon perusal of the pleadings and the issues framed by the Trial Court, no issue appears to arise in respect of measurement, boundary dispute, or encroachment for determination by the Trial Court.

07. In view of the above, and considering that the matter is already part-heard and the plaintiff's evidence stands concluded, framing of an additional issue at this stage is neither necessary nor warranted for effective adjudication of the dispute. On the contrary, it would unnecessarily delay the proceedings. Therefore, this Court is of the opinion that the proposed additional issue is not essential for determining the real controversy between the parties. Hence I pass following order:

**ORDER**

1. The application is rejected.
2. The applicant is disposed of accordingly.

Date :- 07-04-2026.

( M.C. Hasge )  
2<sup>nd</sup> Jt. Civil Judge Jr.Dn.,  
Ahmedpur.