

ORDER BELOW EXH. 185

01. Present application is filed by the plaintiffs to recast the issues at Sr. No. 1, 2, 5 & 6, which is opposed by the defendants contending that already similar application at Exh. 163 is rejected, therefore, this application is not tenable.

02. Heard the parties. Though previous application at Exh.163 filed claiming the same relief, as claimed in this application is rejected but it will not operate as res-judicata to decide the application. Framing of proper issues is the duty of the Court. The party may apply to frame additional issues or recast the earlier issues. The Court has to decide about the same. Failure of the Court to frame the proper issues will not operate as res-judicata. Considering the pleadings of the parties, it is necessary to recast all the issues. Accordingly, the issues framed below Exh. 157 are deleted and fresh issues are framed. Parties to take note of it.

Sd/-
(R.P. Kulkarni)
Civil Judge Senior Division,
Nilanga.

Date : 16.07.2019.