

MHLA150003142015 	ORDER BELOW Exh.114.
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1. This application is filed by defendants under order 14 rule 5 of C.P.C. to frame additional issue in the suit.

2. Applicant / defendants submit that, they have specifically pleaded that suit is barred by limitation under article 58 of Limitation Act. The plaintiff has extinguished his right as per the sale deed bearing no.153/80. The same issue is not framed at exh. 90. Hence, they prayed to frame additional issue about it.

3. Plaintiff filed say and submitted that, application is not tenable. Defendants have denied ownership and possession of plaintiff in the year 2016. Cause of action arose in the year 2015. Defendants have no locus standi to file such type of application. They have not challenged the sale deed. Hence, they prayed to reject the application.

4. Heard Ld. Advocate for applicant. No argument is made by Ld. Advocate for plaintiff since 09.12.2025 to till today. The application is pending for argument. On perusal of pleading of defendant at exh.78, it appears that the suit is challenged on the basis of law of limitation and it is specifically pleaded that, plaintiff has extinguished his right to

claim relief based on sale deed no. 153/80. On perusal of exh.90 it appears that, the said issues are not framed. Hence, in view of Order XIV Rule 5 of C.P.C., matter in controversy between the party about the said two issues are required to be decided and the said material issue are required to be framed. Hence, this application deserves to be allowed. So, I pass following order.

ORDER

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| <ol style="list-style-type: none">1. Application (Exh.114) is allowed.2. Issue be framed at exh.90 as -
3-A Whether suit is barred by law of limitation ?
3-B Whether the right of plaintiff to claim any relief based on sale deed no. 153/80 had been extinguished ? |
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Date : 02.03.2026.

(V. S. Waghmode)
Civil Judge Junior Division,
Chakur.