

ORDER BELOW EXH.76
(Passed on 07/04/2026)

This application is filed by the plaintiff for framing additional issues. Plaintiff suggested five issues in this application. Defendant no.1 filed say overleaf to the application and prayed for its rejection.

2. Heard Adv. Shri. Agrawal for plaintiff. None appeared on behalf of defendants when called out repeatedly since morning. Adv. Shri. Bagde is also absent when called out repeatedly.

3. This court already framed issues below Exh.75 on 26.06.2025. The matter is for evidence. During this time, plaintiff filed this application by suggesting total five issues through the application.

4. Present suit is for declaration and injunction. The facts of the case is that plaintiff coming with the case that RCS No.211/2005 filed by defendant no.1 against other defendants was filed in collusion with other defendants and they got the decree by suppressing the fact that plaintiff no.1 was the owner of the suit property at the time of filing of the suit. One execution petition is pending wherein application under Order 21 Rule 97 is pending for argument. It is further argued by Adv. Shri. Agrawal that these issues are necessary as these facts are asserted by plaintiff and denied by defendants. Considering these submissions and pleading, it seems that following issues are required to be added in issues Exh.75 and application is required to be partly allowed. In issue no.9, No.1 is inadvertently not mentioned prior to question mark of the issues. Hence, it is required to be mentioned therein. Hence, I pass the following order.

- ORDER -

- 1] The application is partly allowed.
- 2] Following issues are added as -
 - (1)(A) - Does plaintiff prove that defendant no.2 to 8 executed registered Sale Deed of Survey No.250/2 area 1.01 HR in favour of Keshav Parlewar on 10.03.2005 ?
 - (1)(B) - Does plaintiff prove that their names have been recorded on 7/12 Extract of suit property by way of registered Sale Deed ?
 - (1)(C) - Does plaintiff prove that they were necessary parties in Special Civil Suit No.211/2005 ?
 - (1)(D) - Does defendant prove that plaintiffs were having knowledge about pendency of Special Civil Suit No.211/2005 and RCA No.72/2011 and execution petition ?
- 3] Number (1) be added in issue no.9 prior to question mark, as it was not mentioned therein.
- 4] Issues Exh.75 be amended as above.
- 5] Plaintiff is directed to lead evidence on next date without fail.

Kamptee
Date : 07/04/2026.

(Mohan R. Kamat)
Civil Judge, Junior Division,
Kamptee.

CERTIFICATE

I affirm that, the contents of this PDF file of order are same word to word, as per the original order.

Court	(M. R. Kamat) CJJD and JMFC, Court No.1, Kamptee
Name of Stenographer	Payal G. Andraskar (Gr.-III)
Date	07.04.2026
Order signed by the Presiding Officer on	07.04.2026
Order uploaded on	07.04.2026