

MHNG100011412021



ORDER BELOW EXH 33 IN RCS.No.50 of 2021

This is an application filed by defendant No.1 and 3 to frame additional issues as per order 14 rule 1 of the Civil Procedure Code.

1] Defendant No.1 and 2 contended that the plaintiff has filed this suit for declaration, partition and separate possession of the suit property. As per order dated 16/03/2024 the plaintiff amended his plaint and defendant No. 1 and 2 also carried out consequential amendment. However, as per the amendment carried out in the written statement additional issues had not been framed therefore, defendant prayed to add two issues as under:-

Sr. No.	Issues
1.	Whether the suit is barred by non-joinder of necessary properties?
2.	Whether the suit is barred by law of limitation?

2] On the other hand the plaintiff has filed their say below Exh.34 and opposed the application. Plaintiff contended that the defendant has deliberately filed this application to prolong the matter therefore, it is not required to frame additional issues as

comprised in the application. Plaintiff and defendants being brother and sister both having equal inheritance right on the suit property. Hence pray to reject the application.

3] Perused the application heard learned advocate for both side at length after going through application and proposed issues and pleading of both side. It appears that if, the proposed issues added in the issues framed by my learned predecessor below exh.15 no prejudice will be caused on the part of either parties. The evidence of plaintiff yet to be initiated. Therefore, considering the submission of both side and pleading on the record I am inclined to grand the application and pass following order.

ORDER

- 1] The application below Exh.33 is granted the proposed issues are added as issues No.4A and 4B in Exh.15.
- 2] Cost in cause parties to take note.

Date – 17.03.2025

(R.S. Mankar)
2nd Jt. C.J.J.D,Umred.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment are same,
word to word, as per the original Judgment.

Name of the Stenographer :S.B.Ghardinkar, Stenographer(G-III)
Name of the Court : 2nd Jt. C.J.J.D. & J.M.F.C.,Umred.
Date of Order : 17.03.2025
Original copy of order signed by
the presiding officer on : 17.03.2025
PDF copy of order
uploaded on : 18.03.2025