

MHNS130004632008

R.C.S. NO. 21/2008
Ranjana V/s Suresh



Order below Exh. No. 1

The present suit is instituted for declaration, perpetual injunction, removal of encroachment and possession on 03/03/2008. Thereafter, at the stage of final argument LR's of dismissed defendant no.6 and 8 are brought on record vide order Exh.No.124 and 126. On 21/02/2024 plaintiff moved application under Order XXVI Rule 9. On 03/10/2023 my Ld. predecessor allowed the application and appointed court commissioner vide order below Exh.No.134. On 13/12/2024 Court received T.I.L.R.'s report vide Exh.No.138. Thereafter on the basis of said report plaintiff sought amendment vide Exh.No.139. The said application is allowed on 08/07/2025. Accordingly, plaintiff complied with said order and filed amended copy of plaint. Defendant filed additional W.S. to amendment plaint vide Exh.No.143.

2. On perusal of copy of amended plaint and additional W.S. at Exh.No.143 it appears that, certain additional issues necessary for determining the matters in controversy between the parties are required to be framed Exh.No.20. As per Order XIV of Code of Civil Procedure issues can be framed on the basis of allegations made on oath by the parties, on the basis pleadings etc. So also issues can be recasted, altered or additional issues can be framed at any stage of the suit till the pronouncement of the judgment.

3. It is also pertinent to note that all the controversy between the parties requires to be disposed of. So also, it is necessary to avoid multiplicity of proceedings. Having regard to the amended pleading of the plaintiff, additional W.S. of the defendant and nature of the suit I found certain additional issues are required to be framed. Hence, I pass the following order;

ORDER

1. I proceed to framed additional issues at Exh.No.20.

Sd/-xxx

Date :- 18/09/2025
Place :- Pimpalgaon (B).

(V. W. Khendad)
2nd Jt.Civil Judicial Junior Division
Pimpalgaon (B)

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In view of Order passed below Exh. No. 1, I proceed to frame following additional issues after issue no.1 and 3:

ISSUES (L)

1. Whether plaintiffs prove that, they are owner and possessor of the suit property ?
2. Whether the plaintiff proves that, defendants encroached upon Gat no.914 to the extent of 55 R ?
3. Whether plaintiff's suit is hit by principle of estoppel ?
4. Whether the plaintiff proves that, defendants are obstructing and encroaching upon land of the plaintiff ?
5. Is plaintiff entitled for recovery of possession of encroached land ?
6. What order and decree ?

Sd/-xxx

Date :- 18/09/2025
Place :- Pimpalgaon (B).

(V. W. Khendad)
2nd Jt.Civil Judicial Junior Division
Pimpalgaon (B)