

**R.C.S.No.108/2012.**  
**Bhagubai Vs. Gojabai**

**Order below Exh.71**

This is an application by the defendants to frame additional issue.

2. Perused the application, say, the pleadings and issues at Exh.20.

3. The applicants/ defendants contention in short is that they have denied that the plaintiffs are from family of the defendants. Therefore, it is necessary to frame specific issue about it. The applicants have also suggested issue like, Do plaintiffs prove their relationship as member of defendants family ?

4. It is contention of the plaintiffs that there is sufficient evidence to prove relationship. The application is false.

5. The suit is for partition and separate possession of joint family property. The defendants have denied relationship. Therefore, it is necessary to frame specific issues about it. It is not contention of the plaintiffs that they are from the family of the defendants but they and the defendants are from same family. It is contention of the plaintiffs that Sandu Kadu had two sons namely Punjaji and Ramchandra. The plaintiffs are legal heirs of deceased Ramchandra and the defendants are legal heirs of deceased Punjaji.

6. Considering the pleading it is necessary to frame issue as, “ Whether the plaintiffs prove that they and the defendants are from the same family ?”. Hence, the following order.

**ORDER**

1. The application is allowed as under.
2. Additional issue is framed as issue no.6 as, “Whether the plaintiffs prove that they and the defendants are from the same family ?”.
3. Previous issue no.6 is renumbered as issue no.7.

**03/01/2020.**