

Order below Exh.90 in R. C.S. No.103/2011.

1. Defendant No 9 has filed an application for framing preliminary issues.
2. It is the contention of defendant No 9 that this suit is for partition, declaration and perpetual Injunction. Further, It is his contention that in said suit plaintiffs have prayed for cancellation of sale deed. The consideration of sale deed is Rs.5,15000/- The consideration amount is not disputed. It is also admitted by the plaintiff in his para 2 of the pleading. Hence considering this aspect this court dose not have pecuniary jurisdiction to try this suit. Thus in respect of the same the preliminary issue be framed.
3. The plaintiff has filed his say overleaf the application and contested the application. He submitted that defendant No.9 made party as per Exh.42. He further submitted that defendant No.9 has appeared and filed his written staement. He further submitted that he prayed for cancelation of sale deed. The consideration of sale deed is Rs. 5,15000/-. He lastly prayed that appropriate order may kindly be passed.
4. Heard both sides. Perused the application, pleading and sale deed.
5. The Defendant No.9 by way of this application wants to frame preliminary issues. It is admitted by both parties that consideration amount of sale deed is Rs.5,15,000/- .On perusal of sale deed it appears that the consideration amount is of Rs.5,15,000/. Thus it is necessary to frame issue in respect of the same.
- 6 . In view of aforesaid provision and discussion in the present case, it would be appropriate for determining the real controversy between the parties Preliminary issues be framed. Thus, I am inclined to allow the application and preliminary issues be framed accordingly.

ORDER

1. The application is allowed.
2. The preliminary issues be framed accordingly.
3. The application is disposed off and parties to take note of it.

(dictated and pronounced in open court)

Date: 02/07/2024.

Place: Yeola.

(S. B. Rathod)
2nd Jt. Civil Judge, Jr. Division,
Yeola, Dist.Nashik.