

MHOS100000232019



**Reg. Civil Suit No.14/2019.**  
**(CNR No.MHOS100000232019)**

**Order below Ex.40.**

This is an application filed by defendant No. 1 to recast one more issue i.e. “Whether the alleged partition is hit by the provisions of Fragmentation and Consolidation of Holdings Act ?”

2            Heard Ld. Advocate for defendant No. 1 and plaintiff at length. Ld. Adv. for the defendant No. 1 submitted that the property involved in the present suit is Land Survey No. 145/4 admeasuring 16 Gunthas and Survey No. 160/E admeasuring 40 Gunthas. As per the Sec. 8(aa) of the Fragmentation and Consolidation of Holdings Act, 1946 restriction on partition of land is provided. Hence, he prayed to allow the application.

3.            On the other hand Ld. Adv. for plaintiff submitted that the application is against the provisions of law. Reason mentioned in the application are false and not probable. Hon’ble Court already framed issued at Exh. 30. Proposed issue is not essential for adjudication of the case. Hence, he prayed for rejection of the application.

4.            Perused the record. It is to be noted that the proposed issue is question of law i.e. whether the alleged partition is hit by the provisions of Fragmentation and Consolidation of Holdings Act. It is settled principle of law that, an issue needs to be framed when one party claims any relief and another is denied. In my opinion no hurdle would be caused by framing of proposed issue. However it may help to decide suit conclusively. Hence, I pass the following order:-

**ORDER**

|    |                                                                                                                                               |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The application is hereby allowed.                                                                                                            |
| 2. | The issue i.e. “Whether the alleged partition is hit by the provisions of Fragmentation and Consolidation of Holdings Act, 1946 ?” be framed. |

Date :04/07/2026

(Smt. M.V. Patil-Rathode)  
Civil Judge, J.D., Washi.

Recast Issues as per order passed below Exh. 40.

Issues

“E”

2/A Whether the alleged partition is hit by the provisions of  
Fragmentation and Consolidation of Holdings Act, 1946 ?

Date :04/07/2026

(Smt. M.V. Patil-Rathode)  
Civil Judge, J.D., Washi.

**CERTIFICATE**

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

|                                          |     |                                             |
|------------------------------------------|-----|---------------------------------------------|
| Name of Stenographer                     | --- | A.M. Wagh, Stenographer, (Grade-III)        |
| Court                                    | --- | Civil Court,Washi,Tal.Washi, Dist.Osmanabad |
| Date                                     | --- | 04/07/2026                                  |
| Order signed by the presiding officer on | --- | 04/07/2026                                  |
| Order uploaded on                        | --- | 04/07/2026                                  |