

MHOS100005882018



Reg. Civil Suit No.263/2018
(CNR No.MHOS100005882018)

Order passed below Exh.42

1] The plaintiff has filed this application for recasting the issue No. 3 as mentioned in Exh. 26.

2] Learned advocate for the plaintiff has submitted that there was mistake made as to the registration number of the sale-deed. Therefore, it is necessary to correct the registered Sale Deed No. 1026/2018 in place of registered Sale Deed No. 1085/2018. Hence, he prayed to allow the application.

3] On the other hand the defendant has objected the application on the ground that, reasons mentioned in the application are not just and therefore, he prayed to reject the application.

4] Read application and say. Heard. On perusal it reveals that, the present suit is filed by plaintiff for partition, declaration and separate possession. My learned predecessor has framed the issues at Exh. 26. On perusal of the plaint, written statement and entire record, it reveals that, the registration number of the disputed Sale Deed is 1026/2018 and not 1085/2018. The plaintiff has made typographical mistake by mentioning the registration number of Sale Deed as 1085/2018 in the plaint. The plaintiff has corrected typographical mistake by filing the application at Exh. 38 and the same application was pleased to be allowed. He carried out the necessary amendment as to the registration number of Sale Deed is as 1026/2018 in place of 1085/2018. Therefore, it is necessary to correct the said registration number in the issue No. 2

and 3 at Exh. 26. Therefore, application deserves to be allowed. Hence,
I pass the following order -

ORDER

- 1) The application is hereby allowed.
- 2) Issue No.2 and 3 at Exh. 26 are hereby recasted by mentioning the **Sale Deed No. 1026/2018** in place of **1085/2018**.
- 3) Issues at Exh. 26 be re-arranged accordingly.
- 4) Costs on main cause.

Washi
Date : 01/07/2022

(J. S. Gaikwad)
Civil Judge Jr. Division, 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.A. Joshi, Stenographer, (Grade-III)
Court	---	Civil Court,Washi,Tal.Washi, Dist.Osmanabad
Date	---	01-07-2022
Order signed by the presiding officer on	---	01-07-2022
Order uploaded on	---	02-07-2022

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**As per Order passed below Exh. 42 Issue No. 2 and 3 are
hereby recasted as follows.**

- 2) Do plaintiffs prove that, defendant No. 1 without family necessity has sold suit property in favour of defendant No. 2 vide sale-deed No. 1026/2018 ?
- 3) Are plaintiffs entitled relief of declaration that, sale-deed No. 1026/2018 is not binding on them ?

Washi.

Date : 01/07/2022

(J. S. Gaikwad)

Civil Judge Jr. Division, 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.

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