

Order below Exh.1 in R.C.S.No. 36/2024 in the matter of

Lahu Vs. Tahasildar & Ors.

CNRNOMHOS120000672024

Perused the record. Present suit is fixed for judgment. This is simpliciter suit for perpetual injunction. Plaintiffs have contended that they are legal owner and possessor of the suit property. They have further contended that, defendants have started to make the use of suit property to carry the cattle, for transportation of vehicles and to approach their fields. In contrast, defendant No.2 to 23 have come with a case that Tahasildar has granted right of way to them from boundary of suit land i.e. Gat No.61 & Gat No.59 to approach their field.

2. My Ld. Predecessor has framed issues at Exh.34. I have gone through the issues.
3. It is apposite to refer here Order XIV Rule 5 of Code of the Civil Procedure.

Power to amend and strike out issues:

1- The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

2- The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

4. Considering the stand taken by the defendant issue casting burden on them to prove the same was required to be framed for determining the matters in controversy between the parties. Record shows that no issue casting burden on the defendants to prove the defence stand, has been framed. As such, by invoking power under Order XIV Rule 5 of Code of the Civil Procedure, I proceed to pass following order:

ORDER

Issues at Exh.34 are recasted with additional issue No.2/A as follows:

2/A. Whether the defendants prove that the Tahasildar, Bhoom has granted right of way to them from boundary of suit land and land Gat No.59 to approach their field ?

Date – 30.06.2026.

Place – Bhoom.

(R. D. Dange)
Jt. Civil Judge Senior Division
Bhoom.

CERTIFICATE

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

Name of Stenographer	---	Mr. Sayyad R.M., Stenographer G-II
Court	---	Mr. R. D. Dange Jt. Civil Judge, Senior Division, Bhoom, District - Osmanabad.
Date	---	30.06.2026
Order signed by the Presiding Officer on	---	30.06.2026
Order uploaded on	---	30.06.2026