

R.C.S. No.297/2025

(Old RCS No.550/2019)

Sarveshwar Vs. Basveshwar & Ors.

CNRNOMHOS120004382025

Order below Exh.1

Perused the copy of amended plaint at Exh.1/2. Also perused additional W.S. filed by defendant No.1,3 and 4 at Exh.88. My Ld. predecessor has framed issues at Exh.42 prior to amendment of plaint. This is suit for declaration of ownership and possession, perpetual injunction and measurement and demarcation of boundaries of the suit property. Considering the relief sought by the plaintiff, issue regarding boundary dispute and measurement of suit property and entitlement of plaintiff for decree for measurement and fixation of boundary mark were required to be framed. However the same are not framed. Defendants have taken additional defence that plaintiff No.2 to 6 have relinquished their share in suit property.

2. Order XIV of C.P.C. deals with settlement of issues and determination of suit on the issue of law or on issue agreed upon. Rule 3 of the Order provides the material from which issues may be framed. Rule 5 of the Order further empowers the Court to amend and strikeout the issues. Sub Rule 2 of said rule provides that the Court may, at any time before passing a decree, strikeout any issue that appears to it to be wrongly framed or introduced.

3. In view of the pleading of rival parties issues at Exh.42 needs to be amended and additional issues are required to be framed. Hence, by invoking power under Order 14 R 5 of C.P.C.I proceed to pass following order.

Order

Issues at Exh.42 are recasted.

Bhoom.
Date:- 17.12.2025

(R. D. Dange)
Jt. Civil Judge, S.D., Bhoom.

CERTIFICATE

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

Name of Stenographer	---	Mr. Sayyad R.M., Stenographer - Grade II
Court	---	Mr.R D. Dange, Jt. Civil Judge, Senior Division, Bhoom, District Osmanabad.
Date	---	17/12/2025
Order signed by the Presiding Officer on	---	17/12/2025
Order uploaded on	---	22/12/2025