

MHOS150000952021



R.C.S. No.: 50/2021

Tukaram V/s. Subabai

Order below Exh. No. 26

1) By this application the defendant is seeking to re-cast issues below Exh. No. 22 and frame additional issue. Perused the application and say filled thereon.

2) It is contended by the defendant matter involved in this suit was involved in RCS no.126/1991, and is already decided by the decree of the Court, and therefore the suit is barred by the principle of res-judicata and therefore issue on that point is necessary to be framed. Defendant objected the application on the ground that suit is for partition and cause of action continues. From the perusal of documentary evidence filed by the defendants on record it appears that already a litigation was pending in between the plaintiff and defendant, for partition and litigation is decided and suit was decreed. Therefore, the prayer of defendant seeking to re-cast issue as stated in their application appears to be necessary. Hence, in view of the aforesaid discussion, the said application deserves to be allowed. With this, I proceed to pass the following order.

Order

1. Application is hereby allowed.
2. Issues with regard to res-judicata is being framed.

Sd/-

(D.G.Jagtap)

Date :- 14/11/2024.

Jt. Civil Judge (Jr. Dn.), Paranda.

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 the Stenographer /Clerk	Shri. V.V.Kambale
Name of Court	Shri. Dilip G. Jagtap, Jt. C. J. J.D. and J.M.F.C., Paranda
Date of Dictation	14/11/2024
Judgment signed by the P.O. on	14/11/2024
Judgment/Order uploaded on	14/11/2024