

ORDER BELOW EXH. NO.25

Defendant has moved this application for framing additional issue.

2] It is contended that in the Written Statement, the defendant specifically mentioned that the suit is not within limitation and therefore the issue to that effect is required to be framed.

3] The plaintiff filed say contending that additional issue mentioned in the application is not legal and necessary.

4] Perused record. Heard learned counsel for plaintiff.

5] The suit is for declaration and pre-emption. The defendant mentioned in Written Statement that the suit is not within limitation. Therefore, to decide the controversy completely and to avoid multiplicity of the proceeding, the issue regarding limitation is required to be framed, which is a law point. No prejudice will be caused to the plaintiff if application is allowed.

6] Considering the above said facts and circumstances, application needs to be allowed. Hence, I pass following order.

ORDER

1.	The application is allowed.
2.	The following additional issue be framed : <u>Issue No.6(A)</u> : Is suit within limitation ?

sd/-

Dt.19/06/2024

(Shri M.S. Bharad)
2nd Jt. Civil Judge, J. D., Saswad
Pune.

