



ORDER BELOW EXH.99

1. I have perused the application, say at Exh.100. Considered the submissions. Record perused.
2. In this application, the defendant no.2 to 4 request the court to frame issue and to modify some issues as per this application. The plaintiff has objected this application but did not object for issue no.7 as alleged by the defendants. I have considered the pleadings in the plaint as well as in the written defence. The counsel for defendant no.2 to 4 also referred two citations at Exh.102. As per those citations recording of finding on a issue which is not framed is impermissible and that the burden of proof lies on the party who asserts a fact. Issue of limitation is a question of fact and law. Therefore, in the light of above position and as per pleadings of the parties the application deserves to be allowed and the issues are recasted as under.

ORDER

1. Application Exh.99 is hereby allowed.
2. Issue no.4 and 5 are deleted and at their places following issues are added-
Issue no.4- Whether plaintiffs prove that, plaintiff no.1 is legally wedded wife of Brahmdeo Ursal ?
Issue no.5- Whether plaintiffs prove that, plaintiff no.2 and 3 are born from Brahmdeo Ursal and



plaintiff no.1 ?

3. In existing issue no.7 after the word “defendants” the words “defendant no.2 to 4” be inserted.
4. After existing issue no.8 following issue no.8A be added-
Issue no.8A- Whether the suit challenging sale-deeds of the year 2004, 2008 and 2010 is beyond limitation ?
5. No order as to costs.

Dt.22/04/2024

(**Md. Taher Bilal**)
Civil Judge J.D., Saswad.



CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno : S. S. Gupte, Stenographer, (Grade III)

Court Name : Shri. Md. Taher Bilal
Civil Judge Jr. Division, Saswad.

Date of Order : 22/04/2024

Judgment signed by presiding officer on : 22/04/2024

Judgment uploaded on : 23/04/2024