

**S.C.S. No.161/1995**

Seetabai Naarayan Deshmukh (Deceased)

v.

Jaywant Balkrushna Deshmukh and others

**ORDER BELOW EXH.210.**

1. This is an application filed by the defendants for recasting of issues.
2. The plaintiffs have filed their say vide Exh.212 and thereby opposed the present application.
3. Perused the application, say and entire record of the case. Heard both sides. In the present matter issues have been framed vide Exh.No.45. Thereafter on 07-1-2020 Additional Issues have been framed below Exh.No.45. The Additional Issues have been framed in view of order of Hon'ble District Court passed below Exh.No.53 in Reg.Civil Appeal No.113/2000. The defendants have raised the contention that the deceased Seetabai Narayan Deshmukh had no right to execute Will-Deed, dated 26-3-1996 and deceased Jayram Govind Bhalerao had no right to execute Will-Deed, dated 06-3-2014. Already Additional Issues have been framed about proving of the Will-Deed, dated 26-3-1996 and 06-3-2014 and the burden has been put on the plaintiffs to prove the same. Whether Seetabai Narayan Deshmukh and Jayram Govind Bhalerao had legal right to executed the Will? These issues need not required to be framed separately as already framed Additional Issues covers the said Issue. The rest of the Issues as claimed by the plaintiffs are not at all required. Hence, there is no need of recasting of Issues. Hence, application needs to be rejected. With this I proceed to pass the following order.

**ORDER**

Application Exh. No.210 is rejected.

Panvel,  
Date : 18/06/2020.

(R. S. Bhakare)  
Jt. Civil Judge, S. D. Panvel