

CNR No. MHRG080013242023 	<u>R.C.S. No. 59/2023</u> Shukracharya Bhagwan Gholap Vs. Nana Babu Solanki
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Order Below Exh. 19

Application under Order 14 Rule 5 of C.P.C. on behalf of defendant :-

Contents in the application briefly as follows:

1. The present suit is filed by the plaintiff for removal of encroachment, injunction, declaration and possession of suit property.
2. According to defendant he has made specific pleadings but some issues were not framed. Therefore defendant has suggest two additional issues which are necessary for adjudication of the proceeding.
3. Plaintiff has filed say at Exh. 21. As per say the application is not legal. The issues framed are sufficient to decide the disputed facts. Defendant has not made the pleadings in written statement and suggested the issues. If pleadings not made then there is no provision of framing of issue in that respect. There is no need to frame additional issues and application deserve to dismiss.
4. Perused the application and say. Heard both the learned advocates.
5. It appears from the perusal of Exh.13 the written statement

filed by defendant that defense of adverse possession taken by him but already issue of adverse possession is framed. According to that issue defendant has to prove that he has been in possession of the disputed property for long time, peacefully, continuously and without interruption. Therefore, there is no need to frame the suggested issue no. 1.

6. Defendant has suggested the issue no. 2 regarding earlier disputes in respect of suit property with original owner. But in written statement it has not been stated that plaintiff has hide the material facts disputes in respect of suit property which are in existence before filing of the suit. At the time of evidence, defendant having an opportunity to lead evidence and to prove his defense. Therefore, in my opinion both the issues are not necessary to frame to decide the disputed question of facts. Hence, present application is liable to be reject. Accordingly I pass the following order:

:: ORDER ::

Application Exh. 19 is rejected.

Khalapur
Date: 17/07/2026

(S.S.Deshmukh)
Civil Judge, Jr. Div.
Khalapur.

Certificate

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

Court Name	:	Smt. S. S. Deshmukh
	:	CJJD & JMFC, Khalapur
Name of Steno	:	Shri. Rakesh S. Patil
	:	Stenographer, Grade – III
Date of Order	:	17/07/2026
Order signed by P. O. On	:	17/07/2026
Date of PDF & Order uploaded on	:	17/07/2026