



R.C. S. No. 18/2014
Narayan vs. Rajesh
CNR No. MHRG090000982014

ORDER BELOW EXH. 118

01] Through the present application the defendants have prayed for recasting of the issues taking into consideration pleadings in the plaint and written statement filed on record by the respective parties. They also submitted draft issues on record.

02] On the other hand it is submitted by the plaintiffs through their reply (Exh.120) that the issues framed by the Court were proper and legal. Draft issues submitted by the defendants were leaning towards one side. Thus they are not legal and proper.

03] Read the application and reply thereon. Heard the respective advocates of both the parties. Gone through the record. Perusal of the issues framed by my learned predecessor below Exh.71 and the draft issues filed by the defendants seen to be similar except that draft issues show entire responsibility of proving the same on the plaintiffs. It is material to note that defendants no were explained as to how the framed issues were not as per the pleadings of the parties. In above situation, I am of the considered view that the instant application being devoid of merits, needs to be rejected. Hence, I pass the following order.

ORDER

01. The application (Exh.118) stands rejected.
02. Costs would be determined at final stage.

Place : Roha.
Date : 01/02/2023

(S.S.Mahale)
Civil Judge Junior Division,
Roha, Dist. Raigad-Alibag.