



ORDER BELOW EXH. 18 IN R. C. S. NO. 78/2021
(Passed on 20.04.2023)

This is an application filed by the plaintiff for recast and frame issue. The plaintiff stated that, the suit is filed for declaration and perpetual injunction. The defendant filed written statement and denied the contents of the suit. Hence, pray to frame issue of the defendant as – Does the defendant prove that, he is the co-owner of the suit property ?

2. the defendant filed say and submitted to pass suitable order.

3. I framed issue below Exh. 17. Issue No. 1 is as 'Does the plaintiff prove that, he is co-owner of the suit property ?'. The plaintiff pleaded that, he is the owner. Hence, it is necessary to recast issue, the word co-owner typed mistakenly. Therefore, issue No. 1 is necessary to recast as 'Does the plaintiff prove that, he is owner of the suit property ?'. Furthermore, the defendant contended that, the suit property is joint family property of the plaintiff and the defendant. Hence, it is just and proper to frame issue on the said point. Hence, frame following issue as "Does the defendant prove that, suit property is joint family property of the plaintiff and the defendant ?.

4. In the light of aforesaid discussion, the application liable to partly allowed. Hence, I pass the following order :

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ORDER

1.	The application is partly allowed.
2.	Issue No. 1 recast as 'Does the plaintiff prove that, he is owner of the suit property ?'.
3.	Additional issue frame as 'Does the defendant prove that, the suit property is joint family property of the plaintiff and the defendant ?'.

Mangaon,
Date : 20.04.2023.

(G. C. Fulzalke)
Joint Civil Judge, Junior Division,
Mangaon, Dist. Raigad.