



**ORDER BELOW EXH.21**

- 1) Plaintiff has filed present application for recasting issue no.1 framed below Exh.20 and for framing 2 additional issues thereupon.
- 2) Plaintiff has filed present suit for declaration and permanent injunction in respect of suit property i.e. land admeasuring about 95R out of land bearing Gat no.98 which according to plaintiff his undivided share.
- 3) On 15/11/2025, on basis of rival pleadings, this Court framed issues below Exh.20.
- 4) Below Exh.20, this Court framed issue no.1 as under :-  
“Whether plaintiff prove that, he is the owner of suit property?”  
By way of present application, plaintiff prayed to recast issue no.1 as follows :-  
“Whether plaintiff prove that, he has undivided share admeasuring about 95R in the suit property?”
- 5) By way of present application, plaintiff also prayed for framing following additional issues  
“Whether plaintiff proves that, sale deed 822/2022 in favour defendants is not binding on plaintiff?”  
“Whether defendants prove that, the undivided share of plaintiff is lawfully transferred in favour of plaintiff?”
- 6) Defendants filed Say at Exh.22 and resisted the prayer of

plaintiff. Defendants prayer to reject the application.

7) I have heard the Ld. Counsel for both sides and perused the record.

8) It is well settled that, issues are to be framed on basis of pleadings of the parties as provided under Order XIV of CPC. On perusal of plaint, it appears that, the plaintiff has sought declaration of his right and consequential injunction. The plaintiff has not challenged the sale deed executed in favour of defendants nor any relief regarding the said sale deed has been claimed in the suit. Therefore, the proposed issues regarding the binding nature of sale deed and alleged transferred of plaintiff's share do not arise from the pleadings.

9) So far as the prayer for recasting of issue no.1 is concerned, the existing issue regarding ownership of the suit property sufficient covered the controversy relating to the plaintiff's right in the suit property and therefore, recasting of the issue is not necessary. Hence, the application is devoid of merits. Consequently, I pass following order.

**ORDER**

1. Application is rejected.
2. Cost in cause.
3. Application is disposed off accordingly.

Place : Shrivardhan  
Date : 10/03/2026

( S. K. Shaikh )  
Civil Judge Junior Division,  
Shrivardhan.