

ORDER BELOW EXH.38

01. The learned advocate Mr. Jagtap for the plaintiff has filed the application under consideration for framing of additional issues as to bonafide requirement and comparative hardship. It has been contended that both the issues are necessary to be framed for complete adjudication of the matter.

02. The learned advocate Mr. Patne for the defendant has filed say on the application having no objection to frame these issues.

03. It is pertinent to mention that the suit is filed for eviction and recovery of possession of the suit premises. The suit premises is located within the precinct of Municipal Council, Khed. Therefore, the suit is governed by the Maharashtra Rent Control Act. The suit is filed for eviction and possession of the suit premises along with arrears of rent and compensation. The defendant has pleaded that the plaintiff and agreed to sell the suit premises to him for consideration and defendant had paid earned amount rupees one lac to him. The plaintiff failed to execute the sale deed of the suit premises in favour of the defendant. Therefore, the defendant has filed a suit for specific performance of agreement. The plaintiff has pleaded that defendant has running business of furniture in the suit premises. Therefore, having regard to the nature of suit and reliefs claimed by the plaintiff and pleading of the both the parties it is necessary to

frame additional issues of bonafide requirement and comparative hardship which are necessary for just decision of the suit. Hence, the following order:

ORDER

1. The application (Exh.38) is allowed.
2. The additional issues be framed just below existing issues at Exh.44 as follows:
 - 1) Whether the plaintiff reasonably and bonafide requires the suit premises for his daughter?;
 - 2) Would greater hardship be caused to the defendant by passing the decree than to the plaintiff by refusing to pass it?

Date : 04.07.2024

Sd/-
(Sanjay M. Chavan)
Jt. Civil Judge Junior Division,
Khed, Dist.Ratnagiri.