



Order below Exh.117 in RCS No.112/2013

(CNRNO.MHSI04000449-2013)

(Saraswati Sadvelkar v/s Sudhakar Sawant Etc.2)

Defendant has filed this application for framing additional issue there by sought to frame issue as to description of suit property. Plaintiff strongly resisted the application by filing say at Exh.118.

2. Heard Ld. Advocate for the defendant and plaintiff at adequate length. Ld. Advocate for the defendant relied upon:

a) The Agricultural Produce Marketing Committee v/s The State of Karnataka and Ors. 2022 ALL SCR 1620

In view of above said authority no doubt proper issues is material in deciding real controversy between the parties.

3. Perused the record. Perusal of record shows that, plaintiff has filed the suit for declaration as to ownership of trees as well as for permanent injunction. Defendant has filed written statement on 24.03.2015. There after my Ld. Predecessor framed issues on 20.08.2015 at Exh.25 then after on 13.06.2023 plaintiff has filed application for recasting issues (Exh.97) on which my Ld. Predecessor recasted issues on 15.06.2023. Then after on 11.07.2023 defendant has filed application for delete issue no.1 framed at Exh.25, the application was rejected and on 07.08.2023 my Ld. Predecessor suo-moto framed additional issue at Exh.25. Then after evidence, both parties have filed evidence closed purisis at Exh.108 and 109 respectively. Then, matter has been posted for final argument meanwhile on 24.04.2025 defendant has filed present application to frame additional issue.

4. By carefully looking to the prayer of defendant in this application, it is for additional issue which has been framed at

Exh.25. Therefore, whether additional issue required to be frame is required to be scrutinize.

5. It is settled law that, even after decree the issues can be framed. So far as description of suit property has concern, plaintiff has described suit property in plaint para no.1. There is a sufficient compliance of Order VII, Rule 3 of C.P.C. Therefore, issue as to the description is not required for the decision of the present suit. The issues already framed at Exh.25 are well sufficient to decide the present suit on merit. Hence, the prayer defendant for framing of additional issue, is not justifiable. Hence, I pass following order:-

ORDER

1. Application is hereby rejected.
2. Cost to cause in suit.
3. Matter is more than 10 years old and now pending for final argument. Hence, Ld. Advocate for plaintiff and defendant are directed to argue on next date without unwarranted adjournments.

Sd/-

Date : 16.06.2026

(N. A. Bakare)

Place:Kudal.

Jt. Civil Judge Junior Division, Kudal.