



CNR No. MHSI070005792015
Order passed below Exh. No. 184
in R.C.S. No. 126/2015

The plaintiff has filed the present application for recasting Issue No. 1. It is the contention of the plaintiff that the court has earlier framed an issue as to whether the plaintiffs prove that defendants Nos. 1 and 2 are liable to execute the judgment and decree passed in Regular Civil Suit No. 142 of 2003 in respect of partition of Suit Property Nos. 1 and 2. It is further contended that, in addition to being liable, defendant Nos. 1 and 2 are also bound by the said judgment and decree. Therefore, the issue requires recasting accordingly. Hence prayed to allowed the application.

2. The defendants have filed their say on the application itself and submitted to pass necessary order, considering the pleading of the parties.

3. I have heard both sides and perused the pleadings and documents on record.

4. The plaintiffs have sought the relief of a mandatory injunction directing defendant Nos. 1 and 2 to execute the judgment and decree passed in Regular Civil Suit No. 142 of 2003. According to the plaintiff, the defendants are bound to comply with the said judgment and decree. In view of the nature of the relief claimed and the pleadings on record, it would be just and proper to recast Issue No. 1. Therefore application deserves to be allowed. Hence following order,

	<u>ORDER</u>
1.	Application Exh. 184 is allowed.
2.	Issue No. 1 is recast as follows: “ Whether the plaintiff proves that defendants Nos. 1 and 2 are liable and bound to execute the judgment and decree passed in Regular Civil Suit No. 142 of 2003 in respect of partition of Suit Property Nos. 1 and 2?”
3.	Parties to note.
4.	No order as to costs.
	(Pronounced and dictated in open Court.)

Place: Malvan
Date: 24/02/2026

(M.K. Fakh) Civil Judge (J.D.), Malvan.