

MHSN020006362014



Order below Exh.94 in
Regular Civil Suit No.177/2014

Anusaya Balasaheb Ambe etc.2

Vs

Sunita Sadashiv Pawar etc.10

Defendants filed the present application for framing of additional issues in pursuance to the amendment caused by the respective parties in their pleadings.

(2). The plaintiffs resisted the application by filing their say at Exh.95.

(3). Heard learned advocates for respective parties at length.

(4). The defendant no.4, 5 and 10 by way of present application are praying to cast two additional issues namely, Whether the suit is within limitation ? And Secondly, Whether the predecessor of the plaintiffs had lost his right in the remaining part of the suit property excluding 14 x 10 feet area in the suit property?

(5). The present suit is filed for partition. The plaintiff came up with a case that, they and defendants are related to each other and they were residing along with her family in an area of 14 x 10 feet in the suit property and rest of the suit property was occupied by the defendants as their family was big. The present suit being a partition suit, it cannot be said that, plaintiffs do not have any right over the

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other area in the suit property in which the defendants have occupied the suit property. The defendants have not made any counter claim thereby claiming that, they have become owners by adverse possession. Merely, plaintiffs being not in actual possession of the other area of the suit property in possession of defendants cannot be said to have got extinguished their rights in the suit property. Therefore, the additional issues, so prayed, to be framed being devoid of any merits, therefore application is liable to be rejected. Hence, following order:-

ORDER

- (1). The application below Exh.94 stands rejected.

Sangli
Date:-19/11/2024.

(M.M.Rao)
Civil Judge Sr. Dn., Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word as per the original order.

Name of Stenographer : P I. Madrasi.
Court : Civil Judge Sr.Dn., Sangli
Date : 19/11/2024
Order signed by the Presiding Officer on : 19/11/2024
Order uploaded on : 19/11/2024