

Order passed below Exh. 67 in R.C.S. No. 91/2015

(Dhondiram Patil V/s. Namdev Thorat)

CNR : MHSN05-000379-2015

Defendants have filed the present application to frame the issue of tenancy and to refer the same to Tahasildar, Walwa for decision. Defendants went on to state as to how they are tenants in the suit property from year 1937 and how they have become deemed purchaser with effect from 01.04.1957. They also submitted about one proceeding bearing No. 1/1960, the documents of which are not traceable. Defendants state that there is need to frame such issue and refer the same. Hence this application.

2. Plaintiffs filed his say at Exh. 69 and strongly objected the application. They stated that the defendants have admitted the execution of mortgage deed on 29.05.1981. There is no reference to the tenancy rights in the said document. Already proper issues have been framed and there is no need to frame the present issue. Hence this application be rejected.

3. Heard both the Ld. advocates at length.

4. The defendants have filed the independent application at Exh. 66 for framing of such issue of tenancy. This Court has dealt with the said application and its merits today itself. This Court has found that having considered the nature and scope of the suit, there is no need to frame such additional issue about tenancy. The observations therein are equally applicable to this application, as it is analogous. There is no need to frame such issue of tenancy and consequently the request to frame the same to the concerned tribunal does not survive. Hence

the order follows,

ORDER

1. Application is rejected.

Islampur
Date: 04.02.2021

(Abhijit R. Solapure)
Civil Judge Senior Division,
Islampur