

Order below Exh. 76 In Regular Civil Suit No.188/2020
(Vishwas Pandurang Gaikwad Vs. Anandrao Pandurang Gaikwad)
CNR NO. MHSN050024742020

Defendants have filed this application for framing additional issue on the point of limitation. It is opposed by plaintiff vide filing say and prayed for its rejection.

2. Heard Ld.Counsel Shri. Koparde for defendants. He submits that defendants have filed their written statement and raised objection regarding limitation, the issue as to whether suit is filed within a limitation or not, issue on the point of limitation is required to be framed and prayed for allow the application.

3. Heard Ld. Counsel Shri. S.S.Patil for plaintiff. He submits that the application is nothing but to delay the trial of suit, earlier matter was delayed at the instance of defendants, they have not paid costs amount to plaintiff in compliance of order passed below application Exh. 75. According to him, present application is nothing but to delay the matter and harass plaintiff. He argued for rejection of application with heavy costs amount.

4. I duly considered submission of parties and also gone through the record, from it reveals that Issues Exh. 67 are framed on 15.03.2025. The plaintiff has filed his evidence affidavit at Exh. 69. Matter is posted for cross examination of plaintiff witness. On 07.03.2026, the matter was adjourned at the instance of defendants vide passing order below Exh. 75. Without making compliance of order dated 07.03.2026 passed below Exh. 75, the defendants chose to file present application for seeking additional issues.

5. The plaintiff has filed main suit for perpetual and mandatory injunction against defendants. In para no. 9 of the plaint, the plaintiff has given the details of cause of action arose him to file suit in the month of April 2020. The plaintiff has appear presented plaint on 08.07.2020. Considering same and issues framed at Exh. 67, I don't find substance in the application for framing additional issue on the point of limitation. Hence, I proceed to pass following order :-

ORDER

Application is rejected.

Islampur.
Date :-04.05.2026

(G.R.Patil)
2nd Jt. Civil Judge Senior Division,
Islampur.