

Order Below Exh. 60 In R.C.S.No. 548/2017
(Appaso Patil Vs. Addl. Chief Executive Officer, Jilha Parishad etc.)
(CNR No.MHSN050022342017)

The plaintiff has filed the present application seeking amendment of Issue No. 1.

2. Read the application. Heard. It is the contention of the learned Advocate appearing for the plaintiff that Issue No. 1 has been framed in a negative form. The plaintiff has claimed that the order dated 09/11/2016 passed by Defendant No. 1 is legal. Hence, the burden lies upon them to prove and establish their claim. Therefore, the learned Advocate for the plaintiff has prayed for allowing the application. As against this, it is the contention of the defendants that this Court has rightly framed Issue No. 1 and that no interference is required.

3. Having heard the parties and gone through the record, it is evident that the plaintiff has challenged the order dated 09/11/2016 passed by defendant No.1, seeking a declaration that the said order is illegal. Needless to mention, the defendants have denied the averments made in the plaint. With respect to the framing of issues, the Court is under an obligation to frame issues on the basis of the statements affirmed by one party and denied by the other. In the present case, the initial burden lies upon the plaintiff to prove the illegality of the order dated 09/11/2016 passed by defendant No.1. Accordingly, my learned predecessor framed Issue No.1. Considering the pleadings of the parties and the settled position of law, I find no substance in the application seeking amendment of issue No.1. Therefore, in view of the circumstances

and the discussion herein above, I am of the opinion that the application deserves to be rejected. In the result, I pass the following order:

ORDER

Application is hereby rejected.

Islampur.

Date:- 28/11/2025.

(Bhagwan M. Kalekar)

Jt. Civil Judge Sr. Dn., Islampur.