

**ORDER BELOW EXH. 1**

Perused the plaint and written statement of defendants. My learned predecessor has framed issues at Exh. 19. I have gone through the issues. It appears that, some issues are repeated and some issues are not necessary due to this repetition. It is also noticed that, some issues requires recasting according to the pleadings. In the plaint the plaintiff has pleaded and prayed for declaration that, she is the sole successor of deceased Mallappa, hence issue to that effect is necessary. In order to decide the suit on merit the issues relating to entitlement of plaintiff in order to show her right to sue and consideration of the defence of defendants are necessary. From conjoint reading of these issues, it is seen that, issue no. 2 A is repeated, issue no.4 is partly repeated. So also, in view of the amendment on Exh. 59 new issue is required. Hence, in order to decide the suit with proper issues some issues need recasting. Hence, following issues are framed in their respective order.

**ORDER**

1. **Whether suit property is the joint family property of plaintiff and defendants?**
2. **Whether plaintiff proves that, she is the sole successor of deceased Mallappa Gurupad Revoor? Is she entitled to such declaration?**
3. **Whether plaintiff is entitled to 1/2<sup>th</sup> share in the suit property?**
4. **Whether defendant no.7 proves that, she is wife of deceased Mallappa and is entitled to 1/4<sup>th</sup> share in the suit property?**
5. **Whether defendant no.9 is entitled to receive the 1/4<sup>th</sup> share of defendant no.7 as purchaser?**
6. **Whether defendant no.1, 2 and 7 are entitled for compensatory cost of Rs.10,000/- from plaintiff?**
7. **Whether defendant no.9 is entitled for compensatory cost of Rs. 25,000/- from plaintiff?**

**8. What order and decree?**

The issues be taken on the issues at Exh.19 as fresh issues .Both parties are at liberty to adduce evidence, if any, on these issues. Both the parties to take note and proceed accordingly.

**Date : 16.09.2019**

**Place : Jath.**

**(Shirishkumar D Waghmare)**

**Jt. Civil Judge, Junior Division**

**Jath.**