

MHSN150008872020



(Pandurang Hari Dhende (Dead)-Other V/s. Mahesh Anandrao Kadam-1)

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**ORDER BELOW EXHIBIT 43 IN**  
**REGULAR CIVIL SUIT No.19/2020**

{*OLD REGULAR CIVIL SUIT No.439/2014*}

{*OLD REGULAR CIVIL SUIT No.177/2011*}

1. This is an application filed by defendants for framing additional Issues.
2. Perused the application and say of plaintiffs. Heard learned counsel for both sides.
3. Considering the contentions of both sides and on perusal of the record, it appears that, defendants have pleaded in their written-statement that, the plaintiff has not valued the suit properly as per the market value and the suit of plaintiff is time barred and not maintainable.
4. On perusal of record, it is seen that, the Issues regarding valuation, maintainability, as well as, limitation are not framed at Exhibit 29. Therefore, considering the pleading of both parties and the nature of the suit and to resolve the real controversy between the parties, it will be just and proper to frame the additional Issues regarding valuation, maintainability, as well as, limitation. No prejudice would be caused to plaintiffs, if the aforesaid additional Issues are framed in the present matter.

Hence, I proceed to pass the following order.

## **ORDER**

1. The application Exhibit 43 is allowed and the additional Issues regarding valuation, maintainability, as well as, limitation be framed as under;
  - 1/A. Whether the suit is properly valued ?*
  - 1/B. Whether the suit is maintainable in the present form ?*
  - 1/C. Is the suit barred by law of limitation ?*
2. Both parties are at liberty to lead their evidence on additional Issues, if any.
3. Both parties to take note.

Vita.  
Date: 03/08/2024

(Dnyaneshwar S. Patale)  
Jt. Civil Judge Senior Division, Vita.

I affirm that, the contents of this PD.F file Judgment/Order are same, word to word, as per the original Judgment/Order.  
Name of the Stenographer : S. P. Pethkar.  
Court : Jt. Civil Judge Senior Division, Vita.  
Judgment/Order signed by  
the Presiding Officer on : 03/08/2024.  
Judgment/Order uploaded on : 05/08/2024.