

ORDER PASSED BELOW EXH. 14 IN R.C.S.No. 1075/13

By filing this application the defendant raised an objection regarding issues framed at Exh.13 and prayed for framing additional issues regarding limitation. According to him, the suit is barred by law of limitation. The said fact is specifically pleaded by him . Thus, he prayed to frame the following issues.

1. Whether the present suit is barred by Limitation Act?
2. Whether the suit is within Limitation Act?

2. The plaintiff resisted the said application by filing his say. According to him the suit is filed within limitation and the same is not barred by law of limitation. Issues framed at Exh.13 are sufficient and proper . There is no need to frame additional issues. Thus, he prayed for rejection of the application.

3. Heard the defendant in person and learned advocate for the plaintiff. Gone through the pleadings of the parties. In para no.2 of the written statement at Exh.9 the defendant specifically pleaded that the suit is hit by law of limitation . However, inadvertantly the said issue is not framed at Exh.13. The defendant pointed out article 75 of the Limitation Act. The said issue needs to be framed. Perused the proposed issues submitted by the defendant. Both issues submitted by the defendant is similar in nature. It is not necessary to frame both issues. Therefore, I am going to frame additional issue on same exhibit i.e. Exh.13 which is necessary for proper adjudication of the dispute between the parties. In view of above observations I proceed to pass

the following order:-

Order

Application is partly allowed.

Date : 13/09/2017

(B.S.Sankpal)
3rd Jt.Civil Judge, J. D. Barshi.

Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer	:	R.H.Lasane.
Court	:	3rd JtCJJD & JMFC, Barshi.
Date:	:	13/9/2017
Judgment/Order signed by the presiding officer	: :	13/9/2017
Judgment/Order uploaded on	: :	14/9/2017