



R.C.S NO. 128/2024
Sidram Chandrakant Jagtap
Vs
Walchand Shankar Gaikwad
CNR NO. MHSO150017542024

ORDER BELOW EXHIBIT 19
(Passed on this 22nd April, 2026)

- 1) The defendant has filed an application for framing additional issues, and for altering the issues framed below Exh.15. According to the defendant, this Court while framing issue no.1 has placed the burden to prove that, the suit property was granted to the mother of plaintiff by the village Panchayat, although, the plaintiff has not mentioned in his plaint likewise. The plaintiff has claimed ownership, and title to the suit property on basis of grant by the village Panchayat of the Gavathan land of the village to him, and not his mother. The defendant also states that, the plaintiff is claiming easementary right of way against the defendant, and is seeking the relief of permanent injunction. In view of this, and issue regarding the existence of easementary right in favour of plaintiff, and about its obstruction by the defendant needs to be framed. In view of this, two more issues in that regard were proposed.
- 2) The plaintiff opposed the application on the ground that, the issues already framed by the Court below Exh.15 are correct and required no modification, and hence, the application filed by the defendant is nothing but an attempt to prolong, and protract the trial. Hence, he prayed for rejecting the application with heavy costs.
- 3) Perused the application, say thereon, and heard Ld. Advocates for the sides. In para no.2 to 4 of the plaint, there is pleading that, the defendant

has made attempts to cause encroachment over the right of way available for ingress and egress to the suit property, and said suit property is standing in the name of his mother. The plaintiff has also filed on record the assessment list of the suit property which stands in the name of Savita Chandrakant Jagatap. He further contended that, he is possessing the suit property on the basis of right of inheritance, and his name is not yet recorded in place of the name of his mother, despite of moving several applications before the village Panchayat. The alleged road is left by the village Panchayat for traveling to his house. There is no reference about any fact in the plaint that, the road is utilizing any land of defendant so as to bring this right in the form of an easement. In such situation, it can not be said that, the road is constructed over the land of the defendant so as to create any sort of easement. Thus, the question of easement is not available for consideration before this Court and it is not a fact in issue before this Court. In view of this, the application is devoid of merits, and it is liable to be rejected. Cost in cause.

Place : Akkalkot
Date : 22/04/2026

M. M. Kalyankar
Civil Judge (Jr. Dn.), Akkalkot.