ORDER BELOW EXH. 74 IN Spl.C.S.No.710 of 2023
(Satish Pawar Vs. Vishal Rathod)

Perused the application and the say. The plaintiffs have submitted that the issues framed below Exh.64 do not reflect the actual controversy between the parties and, therefore, require recasting. The plaintiffs have asserted that they have specifically pleaded that the defendants forcibly demolished the suit property and 6they have sought a mandatory injunction for its reconstruction. The plaintiffs have further asserted that they have also sought relief of compensation for the illegal acts of the defendants, however, the aforesaid two controversial points were not considered while framing the issues below Exh.64.

2] The plaintiffs have further submitted that the defendants have denied the tenancy of the plaintiffs' grandfather. It is also alleged that the Shop Act license was obtained illegally. According to the plaintiffs, these disputed facts were not considered by the Court while framing the issues below Exh.64, and hence they have prayed for recasting of the issues.

3] The learned counsel for the defendants filed a say and contended that all the said aspects are already covered under the issues framed below Exh.64 and that there is no necessity to frame any additional issues. It is therefore prayed that the application be rejected with costs.

4] I have minutely gone through the issues framed below Exh.64. My learned predecessor has framed an issue regarding the tenancy between the plaintiffs' grandfather and Bankatsingh Pardeshi. An issue pertaining to the payment of rent has also been framed as

issue No.2. An issue regarding obstruction has been framed as issue No.3. My learned predecessor has further framed an issue regarding the alleged illegal demolition of the suit property dated 08.07.2021 as issue No.4. Issues regarding entitlement to recovery of possession, declaration, mandatory injunction and permanent injunction have also been framed. More specifically, an issue regarding compensation has been framed as issue No.8. However, some clarification is required in respect of issue No.8, which presently reads as under:

> "Whether the plaintiffs are entitled to compensation of Rs.4,00,000/- from the defendants?"

There is no need to recast other issues except issue No.8. Therefore, considering the facts and circumstances of the case, I pass the following order.

ORDER

1. The application is partly allowed.
2. The issue No.8 is modified as under;
   "Whether the plaintiffs are entitled to compensation of Rs.4,00,000/- from the defendants?"
   (वादी भरपाई रुपये ४,००,०००/-प्रतिवादींकडून मिळणेस पात्र आहेत का ?)

SANJAY MOTIRAM GHUGE
Digitally signed by SANJAY MOTIRAM GHUGE
Date: 2025.12.15 17:00:41 +0530

[S.M.Ghuge
Civil Judge, Senior Division,
Karmala, Dist.Solapur

Place : Karmala
Date : 15.12.2025

CNR No.MHSO220022932023

CERTIFICATE

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Karmala
Date : 15-12-2025

Order/Judgment signed
by the Presiding Officer on : 15-12-2025

Order uploaded on : 15-12-2025