

CNR No.MHST-0500-0435-2006

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**  
**ORDER BELOW EXH.77 IN R.C.S. NO.212 OF 2006**

1. Ganesh Vasant Koli & Anr.	...Plaintiffs.
<b><i>Versus</i></b>	
1. Ramchandra Ganpati Koli Deleted since deceased 2. Vasant Ganpati Koli Deleted since deceased 3. Kisabai Ganpati Koli Deleted since deceased 4. Akkatai Ravsaheb Koli & Ors.	...Defendants.

Advocate Shri. N. B. Bamane for the plaintiffs.

Advocate Shri. S. M. Salunkhe for the defendants.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date :10/02/2026

**ORAL ORDER :**

This is an application for framing of additional issues.

2. Perused the application and say. Heard both sides.
3. As per the contents of present application, the plaintiffs have filed suit for partition. The defendant No.7 has filed his written statement at Exh.72. Court has framed issues at Exh.75. At the time of framing of issues Court has not considered the objections raised by defendant No.7 in his written statement. He has raised objection about the maintainability of suit in paragraph No.2. In paragraph No.5 he contended that, he has purchased Plot No.71 admeasuring 4500 sq.ft. from the defendant Nos.1 to 6 and their predecessors by way of registered deed dtd.04/06/2006 by making necessary legal inquiry. Therefore, he has bonafide purchaser for value without notice. He has filed that sale deed alongwith application Exh.75. As per the pleadings

of the parties it is necessary to frame additional issues. Hence, the application.

4. It appears from the record that plaintiffs have filed present suit against the defendants for partition of the suit properties by metes and bounds and alternatively for perpetual injunction. After service of writ of summons defendants, defendant No.7 appeared and filed his written statement at Exh.72 on 10/10/2022. My then the Ld. Predecessor framed issues at Exh.75 on 16/04/2024. I have gone through the pleadings of the parties. It is the allegations of the defendant No.7 that, suit is not maintainable and he is the bonafide purchaser of suit property specifically mentioned in paragraph No.1C of the plaint.

5. As per Order 14 Rule 5 of the Code of Civil Procedure, 1908, that the Court may at any time before passing a decree amend the issues or framed additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matter in controversy between the parties shall be so made or framed. As per Order 14 Rule 1 of the Code of Civil Procedure, 1908, issues arises when material proposition of fact or law is affirmed by one party and denied by other party. Rule 4 issues are of two kinds (a) issues of fact and (b) issues of law.

6. It appears from the record that my the then Ld. Predecessor has framed issues. I have gone through the framed issues below Exh.75. In those issues on factual and legal aspect the proposed issues are not framed by my Ld. Predecessors. After perusal of those framed issues, it appears that on the lawful and factual aspect whatever issues framed on record are not sufficient to determine the real question in controversy between the parties. The additional issues are remained to be framed. Therefore, I found substance in the averment in the present application and submission made by the Ld. Advocate for the defendant

No.7. Considering above facts and circumstances of the matter and provisions quoted, it is necessary to frame additional issues on lawful and factual aspect raised by the defendant No.7 in the present application which are remained to be framed. Under these circumstances if application is allowed, there would be no harm or prejudice to the both the side. On the contrary, framing of additional issues are necessary for determining the real questions in controversy between the parties. Hence, I proceed to pass the following order.

**ORDER**

1. Application below Exh.77 is allowed.
2. In view of the order following are the additional issues.
  - 1) Does defendant No.7 proves that suit is not maintainable ?
  - 2) Does defendant No.7 proves that he is bonafide purchaser of the suit property specifically mentioned in paragraph No.1C of the plaint ?
3. Both parties are directed to take the notice of re-casted issues and liberty is given to both parties to lead evidence on additional issue, if any.

Date : 10/02/2026.  
Place-Karad.

[S. B. Todkar]  
Civil Judge S.D. Karad.

CNR No.MHST-0500-0435-2006

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**  
**ADDITIONAL ISSUES EXH.75 IN R.C.S. NO.212 OF 2006**

1. Ganesh Vasant Koli & Anr.	...Plaintiffs.
<i><b>Versus</b></i>	
1. Ramchandra Ganpati Koli Deleted since deceased 2. Vasant Ganpati Koli Deleted since deceased 3. Kisabai Ganpati Koli Deleted since deceased 4. Akkatai Ravsaheb Koli & Ors.	...Defendants.

In view of the order passed below Exh.77 following are the additional issues.

- 1) Does defendant No.7 proves that suit is not maintainable ?
- 2) Does defendant No.7 proves that he is bonafide purchaser of the suit property specifically mentioned in paragraph No.1C of the plaint ?

Both parties are directed to take the notice of additional issues and liberty is given to both parties to lead evidence on additional issue, if any.

Date : 10/02/2026.  
Place-Karad.

[S. B. Todkar]  
Civil Judge S.D. Karad.