

Order below Exh.59 in RCS No.73/2019

In view of order passed below **Exh.80**, I pass following order :-

ORDER

No say order passed against defendants is set aside and the say filed by them is taken on record.

Date : 09/06/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.

Order below Exh.59 in RCS No.73/2019

This is an application filed by plaintiff under Order I Rule 10 CPC read with Order VI Rule 17 CPC for addition of party and amendment of pleadings on the grounds mentioned in the application. Defendants filed their say at **Exh.82** and proposed defendant filed its say at **Exh.73**. They have raised strong objection and requested to reject the application. Perused application and say. Heard Ld. Adv.Shri. Inamdar for plaintiff, Shri. C.N. Lipte for defendants and Shri. S.T. Kote for proposed defendant. They have submitted in the line of their application and say respectively.

2. Record shows that plaintiff has filed this suit for partition and separate possession. Defendants filed their WS at **Exh.33** and contended that the suit properties are self acquired properties of deceased defendant No.1. From the contents of application it appears that during the pendency of suit some of the area of some of the suit properties is sold by defendant No.1 to proposed defendant. This fact regarding purchase of some of the area out of some of the suit properties is admitted by proposed defendant in its say at **Exh.73**. Thus, whether the area sold was absolutely owned by deceased defendant No.1 or it was part of ancestral property requires due adjudication and for that purpose it is necessary to permit the parties to adduce evidence. Therefore, the proposed amendment is necessary for just decision of the suit and in the like manner the proposed defendant is also necessary party in whose absence the suit cannot be completely adjudicated. Hence, I pass following order :-

ORDER

1. Application is allowed.

2. Plaintiff is hereby permitted to carry out proposed amendment in the plaint, as sought.
3. Plaintiff is also permitted to implead proposed defendant as party to the suit.
4. Plaintiff shall provide copy of amended plaint to the Court and for defendant including the proposed defendant.
5. Once impleaded, suit summons be issued to newly added defendant.
6. Defendants are at liberty to file the additional WS.
7. No order as to costs.

Date : 09/06/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.