



Sitabai Gunjal
Vs.
The Collector & Ors.

Order below Exh-24

1. Plaintiff has filed this suit against defendants No.1 to 7 for grant of various reliefs i.e. partition, declaration, mandatory and perpetual injunction. During the pendency of the suit the plaintiff has filed this application (Exh-24) for permission to amend the plaint, by addition of parties as defendants No.8 to 11 and for amendment of the plaint by inserting para No.6A, 8A, 10A and by addition of prayer clauses of the plaint, in view of the provision of Order VI, Rule 17 of C.P.C.

2. **Brief facts stated in the application is as under:-**

i) It is the contention of the plaintiff that, she has filed this suit for partition and other reliefs. She further stated that, due to inadvertence she has not added the names of the son and daughters of Karbhari Bhima Varpe (defendant No.4) and these persons are necessary parties to the suit and therefore, she wants to add the names of these persons as defendant No. 8 to 11 in the present suit. She further stated that, the persons who are proposed to be added as a defendant No.8 to 11 were the parties to the suit in RCS No.618/2020 decided on 13.01.2025 by the Court of Jt. CJSD, Sangamner and the plaintiff wants to seek the declaration for setting a side the Judgment and Decree passed in said suit, by adding the prayer in the suit and therefore, these persons are necessary parties to the suit. Plaintiff has stated that, the subject matter of the suit and the subject matter in RCS No. 618/2020 is

same and it is necessary to amend the plaint and therefore, the application for amendment be allowed as prayed.

ii) In support of the application, the plaintiff has relied upon her supporting affidavit (Exh-25) and the Judgment and Decree dated 13.01.2025 passed in RCS No. 6 18/2020 filed below Exh-23 (Serial No.1 & 2).

3. This Court had issued notices to proposed defendants and had called the say of other defendants. Defendant No.4 to 7 have filed their reply overleaf through Adv. S. A. Shafi and they have no objection to considering the said application. The proposed defendants i.e. defendant No. 8 to 11 have could their appearances through Adv. S. A. Shafi. and they have filed the pursis (Exh-31) stating that, they are consenting the said application and have no objection to allow this application.

4. Defendant No.1 to 3 are the officers of State Government they have not given their appearances and the relief sought against them in the original plaint is to deposit the amount of compensation of land in S.No. 21/11 adm. 0H.7R in the Court. There is no relief sought against these defendants in the application of amendment and therefore, this application is proceeded to be decided without their reply.

5. Heard, both the learned advocates, perused the record and the relevant provisions of law i.e. Order I Rule 10 r.w. Order VI Rule 17 of C.P.C.

6. As per the provisions of Order I Rule 10 of C.P.C. the Court is empowered to add parties in a suit at any stage if their presence is essential for adjudication of the case and decided all question involved in the suit in order to avoid multiplicity of proceedings as per Order VI Rule 17 of C.P.C. the Court is empowered to allow amendment at any stage if the same is necessary for the purpose of determining the real question amongst parties. In the present case the plaintiff is seeking amendment for the purpose of addition of parties and addition of prayer clause for challenging the Judgment and Decree. The parties in RCS No. 618/2020 and the parties to be added in the present suit are same and therefore, I feel it proper to consider the said application by passing the following order ;

:ORDER:

- A] The plaintiff is allowed to add the names of persons in this application as defendant No. 8 to 11 in the suit, by carrying necessary amendment in the plaint and by filing the copies of amended plaint to be served on defendants.
- B] The plaintiff is allowed to amend the plaint by inserting para No. 6A, 8A, 10A, 14E & F in the plaint by carrying necessary amendment as prayed and by filing the copies of amended plaint.
- C] The plaintiff shall pay necessary Court fees on amended plaint by verifying the copy of amended plaint from A.S. CJSD, Sangamner.
- D] On filing of the amended plaint, the defendants No. 8 to 11 and defendant No. 1 to 7 are at liberty to file their written-statements on amended plaint.

- E] Application is disposed off accordingly.
- F] Parties and their Advocates to note.

Date : 12/01/2026
Sangamner.

(B. N. Arbad)
3th Jt. Civil Judge, Senior Division.,
Sangamner. J.O Code-MH00048