

MHAH180000912022



Reg.C.S.25/2022

**Archana Shankar Gaikwad
Vs.
Radhakisan Bhijaji Makasare**

ORDER BELOW EXHIBIT 25

This is an application filed by the plaintiff under O.VII, R.11 of the Code of Civil Procedure for amendment in the plaint.

2. The plaintiff has submitted that, the suit is filed for partition, possession, declaration and perpetual injunction. While filing the suit, the name of the defendant No.1 is wrongly mentioned as Radhakisan Bhikaji Makasare which is Radhaji Bhikaji Makasare. It is a typographical error. Apart from that, during the pendency of the suit, in order to avoid partition, the defendant No.1 Radhaji Bhikaji Mahakare has sold the property of 20R out of Gat No.327/1/2 to Alka Ashok Sonar. The sale-deed was executed without intimating to the present plaintiff. Therefore, third party on whose name the property is transferred became necessary party in the present suit and therefore the said plaintiff wants to add in the suit as of defendant No.1. In support of the said transaction, the plaintiff also want to amend his plaint and prayer clause.

3. The plaintiff has submitted that the plaintiff is seeking the amendment in respect of the subsequent event which does not

going to change the nature of the suit. For the proper adjudication of the matter, the plaintiff has submitted that the application be allowed.

4. The defendants have filed their say and submitted that the contents in the application are not true and correct. Therefore, the application need to be rejected.

5. Perused the application and say. Perused the documents on record. Heard the Ld. Advocates of both sides. The plaintiff has filed the copy of the sale-deed executed by the defendant No.1 in favour of Alka Ashok Sonar. The sale-deed is executed in respect of the land which is a subject matter of the present suit. The sale-deed is executed on 17/10/2022. This suit is filed by the plaintiff on 13/01/2022. Considering the above facts, for proper adjudication of the matter and to avoid multiplicity of proceedings, the application needs to be allowed. Hence, I proceed to pass following order.

ORDER

- i) The application is allowed.
- ii) The plaintiff is directed to carry out necessary amendment within 14 days without fail.

Place – Rahuri.
Date - 27/03/2023.

(Smt. A. S. Wadkar)
Civil Judge, J.D., Rahuri.

C E R T I F I C A T E

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

Name of the Stenographer	:	R. M. Aragade
Court	:	Civil Judge, J.D., Rahuri.
Order Date	:	27/03/2023
Order signed by the Presiding Officer on	:	29/03/2023
Order uploaded on	:	29/03/2023