

MHAH200005432015



ORDER BELOW EXHIBIT NO. 18 IN R.C.S. NO. 120/2015

1] Perused application. No say filed by the defendants. Heard learned advocate for the plaintiff. defendants and their Learned advocate are absent though called. Also, gone through proposed amendment.

2] It is contended by the plaintiff that on 29.08.2008 and 15.12.2008 defendant no.1 had executed registered exchange deeds with respect to the suit property favour of the proposed defendants. The said fact came to knowledge after long time because the documents were registered at Ahmednagar. It is further contended that defendant no.1 had executed illegal exchange deeds in respect of the said property. Therefore, plaintiff wish to amend his suit and add the said subsequent event as well as the proposed defendants [subsequent purchasers].

3] Admittedly, this is suit for partition and separate possession. It is settled law that in suit for partition the parties to the suit are plaintiff, defendant and vice versa. The plaintiff intend to amend his plaint so as to include alleged transaction subsequently came to his knowledge. In view of order 6 rule 17 of Civil Procedure Code, 1908, pleadings can be amended at any stage of the proceedings. All such amendments can be

allowed which are necessary for the purpose of determining the real question in controversy between the parties.

4] Moreover, the proposed amendment would not change the nature or basic character of the suit. The proposed amendments appear necessary for the purpose of the determining real question of controversy between the parties. It is settled law that one can not closely scrutinize the merits or demerits of the proposed amendment application. The plaintiff vide this application intends to bring on record the event subsequently came to his knowledge. The plaintiff ought to be permitted to amend his pleadings. Hence, the following order.

ORDER

- 1 The application is hereby allowed.
2. Plaintiff is permitted to amend the plaint and add proposed defendant no. 1 to 10 mentioned in the application [Exh.18] as defendant no. 9 to 18 and consequential pleading.
3. Plaintiff do carry out amendment in the plaint on or before next date and file copy of amended plaint on or before next date.
4. Cost in cause.

Date:- 20.07.2023

[V. I. Shaikh]
Jt. Civil Judge, J.D., Pathardi.