

ORDER BELOW EXHIBIT No. 28

Passed On: 03rd May, 2025

1. The present application filed by the plaintiff as per the Order 6, Rule 17 of the Code of Civil Procedure. It is contention of the plaintiff that, they have filed suit for specific performance. Defendant filed application for rejection of plaint that during the pendency of suit defendant No.1 alienated portion of the suit property i.e 28R from the Northern side to Ganesh Shivaji Budhawant on 03.03.2025 by deed No.856/2025. Therefore, by the present amendment he want to add the purchaser as a party and also want to amend fact of the transaction of the said sale deed and prayer clause B1 regarding the prayer of declaration.
2. Say filed by the defendant and apposed the application on the ground that by the proposed amendment nature of suit will be change.
3. Perused application, say filed by the defendant. Heard learned counsel for the plaintiff and defendant and peruse the record.
4. It is pertinent to note that, the plaintiff have filed suit for specific performance of contract. It is a fact that, during pendency of suit defendant transferred suit property to Ganesh Shivaji Budhawant by proposed amendment plaintiff only want to add party to be subsequent seller and the fact of transaction and relief of declaration. The nature of suit will not be change only prayer of declaration will be added by the proposed amendment. In the present suit issues are not framed and trial is not commenced. Therefore, considering the stage of suit and nature of proposed amendment the application is required to be allow. Hence I passed following order:

ORDER

1. The application Exh.28 is allowed.
2. The plaintiffs are at liberty to carryout proposed amendment in the statutory period and filed amended copy on record.
3. The application is disposed of accordingly.

(Dictated and Pronounced in the open Court)

Date:- 03.05.2025.
Place:- Pathardi

[R. V. Sapate]
Civil Judge Jr. Div., Pathardi.