

ORDER BELOW EXH.13

(Passed on 19-09-2022)

1] Heard both the sides. Perused application and say filed thereof. The application is filed by the plaintiff under Order I rule 10 and Order VI rule 17 of C.P.C. for amendment in the plaint as the defendant has transferred Gat no.516 admeasuring 0H 13R in favour of neice Tushar Rajendra Mande, accordingly mutation entry 4906 was effected. Hence, he submitted that Tushar Rajendra Mande be added as proposed defendant no.1A and add pleading in para 1 and 11 in the present suit. Hence he prayed the application be allowed.

2] The Ld. Counsel of the defendant submitted that application is not true and correct. Proposed defendant need to be heard on the said application. Hence, he prayed the application be rejected.

3] On perusal of application of the amendment, it is seen that subsequent event has taken place during the pendency of the suit. The said amendment is necessary to decide the controversy between the parties and to avoid multiplicity of proceedings, Hence, considering the principle of natural justice and fairplay, the application deserves to be allowed. Hence, the following order is passed.

ORDER

- 1] The application is allowed.
- 2] The plaintiff to carry out the necessary amendment within 14 days and file amended copy of the plaint on record.

Date : 19.09.2022

(N. S. Kakade)
Jt. Civil Judge, Senior Division,
Shrigonda.