

ORDER BELOW EXH.42

(Passed on 12th day of January, 2026)

This is an application for amendment of plaint filed by the plaintiffs. In this application, it is contended by the plaintiffs that, they have filed this suit for the relief of partition, possession of their separate share and for permanent injunction. In this suit initially defendant no.1 and 2 were the only the defendants. Thereafter, it was revealed that, on 06.05.2019, the defendant no.2 has sold the portion of suit property to Vithoba Gajanan Boche. Therefore, by doing the amendment of plaint said Vithoba Gajanan Boche was added to this suit as defendant no.3. Thereafter, the defendant no.3 also sold the said portion of suit property to one Shantaram Dilip Bhagwat by executing the registered Sale-Deed No.4424/2024 dated 28.08.2024. Therefore, said Shantaram Dilip Bhagwat is also a necessary party to this suit and therefore, through proposed amendment, plaintiffs want to add said Shantaram Dilip Bhagwat as defendant no.4 in this suit. Further, through proposed amendment, plaintiffs want to insert the fact regarding the execution of Sale-Deed of the portion of suit property by the defendant no.3 in favour of defendant No.4. Due to proposed amendment nature of this suit is not going to be changed and no prejudice will cause to other side. Therefore, this application be allowed and plaintiffs be allowed to amend their plaint.

2] The defendant no.1 has filed his say to this application on the leaf of this application. In his say, it is contended that, his written statement is already on record at Exh.19. In this suit, it

would be proper to hear the proposed defendant No.4. Therefore, the necessary order be passed.

3] Heard the Learned respective Advocates of both sides at length. I have gone through the record of this suit. It appears that, in this suit plaintiffs are seeking the amendment of plaint for bringing the subsequently occurred alleged facts on the record of this suit. Further, through present application, the plaintiffs want to add the necessary party in this suit. In such circumstances, the proposed amendment is very much necessary for the conclusive determination of the controversy between the parties of this suit. If this application is allowed then it would be helpful for the proper adjudication of dispute and also for avoiding the multiplicity of proceedings. Hence, in the interest of justice, I pass the following order.

ORDER	
1)	Application Exh.42 is hereby allowed.
2)	The plaintiffs shall amend their plaint and produce the copies of amended plaint on record on or before next date of this suit.
3)	After the compliance of above directions, suit summons be issued to newly added defendant No.4 namely Shantaram Dilip Bhagwat on P. F.
4)	Costs in main cause.

Date: 12/01/2026.

(Mahesh S. Kale)
Jt. Civil Judge (Sr. Dn.),
Akot.

CERTIFICATE

I affirm that, the contents of this P.D.F. are same word for word as per original order.	
Name of Stenographer.	S. G. Jaiswal
Court Name.	Jt. Civil Judge (S.D.), Akot.
Date of order.	12.01.2026.
Signed by PO. on	13.01.2026.
Uploaded on.	13.01.2026.