

ORDER BELOW EXH.9 IN R.C.S.NO. 37/2017

1] The plaintiffs have filed the present application under Order 6 Rule 17 of the Code Of Civil Procedure for amendment in the plaint as well as under Order 1 Rule 10 for addition of parties. The defendant No.1 opposed the application by filling say on the back side of the application itself.

2] Perused application and say. Heard Ld. Advocates for respective parties. From the rival contentions of the parties following points arise for my determination to which I have recorded my findings for the reason stated below :

Sr.No.	Points	Findings
1	Whether the proposed amendment can be allowed ?	Yes.
2	What order ?	Application is allowed.

REASONS

3] It is the contention of the plaintiffs that during the pendency of the suit, the defendant No.1 had illegally transferred the suit property bearing Gat No.208 in the name of Sau. Savitra Vyankat Gite and the land bearing Gat No.208 admeasuring 1H 33R in the name of Amarnath Shankar Gite by two sale-deeds dated 05-09-2017. The defendant No.1 has executed the sale-deeds only with ill-intention to defeat the share of plaintiffs. In that respect plaintiffs want to add new

para 2A to challenge it and pray for the declaration of the said sale-deeds being null and void. It is submitted that the proposed amendment being subsequent event be allowed.

4] On the other hand defendant No.1 opposed the application on the ground that nature of suit is going to change if the proposed amendment is allowed. Hence, prayed to rejected the application.

5] I have gone through the contentions made in the suit as well as in the present application. The defendant No.1 has nowhere denied about the execution of the sale-deeds dated 05-09-2017. It is admitted position on the record that defendant No.1 had executed two sale-deeds in the favour of Savitra Gite and Amarnath Gite. In my view both of them are necessary parties to the suit. So also, the proposed amendment is a subsequent event and needs to be allowed. In no way nature of suit will change. In fact, the proposed amendment is essential to decide real dispute between the parties. It will avoid multiplicity of proceeding. Accordingly I answer point No.1 in the affirmative and in view of point No.2 proceed to pass following order :

ORDER

- 1] Application Exh.9 is allowed without costs.
- 2] Plaintiffs are permitted to amend the plaint and add Amarnath Shankar Gite and Sau. Savitra Vyankat Gite as defendant Nos. 4 and 5 respectively.

- 3] The plaintiffs to carry out amendment in the
plaint and supply amendment copy along with
copies of defendants within 14 days.
- 4] The plaintiffs to pay requisite Court Fee Stamp for
the prayer of declaration in respect of two sale-deeds
dated 05-09-2017 bearing No.1813 and 1814.
- 5] If the plaintiffs fails to comply the order, it
automatically stands vacated.

Dt. 06-11-2017

Barshitakli.

(Paresh R. Wagdole)

Civil Judge (Jr.Dn.),

Barshitakli.

Certificate

I affirm that the contents of this P.D.F. File are same word for word as per original order.

Name of Steno :	Mrs. Hemlata N. Dahake, Steno.
Court Name :	Civil Judge (Jr.Dn.) & J.M.F.C., Barshitakli
Date :	10-10-2017
Signed by Presiding Officer :	10-10-2017
Uploaded on :	12-10-2017