

**ORDER BELOW EXH.18**

This is an application filed on behalf of the plaintiff for granting permission to carry out amendment in the body of plaint (Exh.1) under Order-VI, Rule-17 of the Code of Civil Procedure, 1908. He submits that, during pendency of the suit defendant No.1 has executed nominal sale deed bearing registration No.814/2024 dated 15/02/2024 in favor of third person namely Shakuntala Shrikrushan Raut by taking undue advantage of his name on the record of suit property. The sale deed is not binding on him. As such, the plaintiff has urge to additional pleading in the body of plaint (Exh.1) vide paragraph No.12/1 and in prayer cause additional clause (E) regarding the relief to that effect. Hence, the plaintiff has urge to allow application.

2. The defendants have opposed application by filing say on leaflet through their learned Advocate. They submit that, application is incorrect and false. The proposed amendment will change the nature of suit and it will cause prejudice to them. Application is filed at belated stage. Likewise, its filed, when the suit was kept for casting issues. Meantime, defendant No.2 died. Hence, they urge to reject application or in alternative trade for imposing heavy cost, if the application is allow.

3. Heard, the learned advocate Mr. V. V. Kure, for the

plaintiffs and Mr. J. S. Sajgane, for both defendants. They argued almost all the facts, which are pleaded by their respective parties, as mentioned supra.

4. Perused application, say and record of the case, minutely. The contents of application are supported by an affidavit the plaintiff viz., Pandharinath Mahadev Kundakar, vide Exh.19. It is matter of record, the plaintiff has placed on record certified copy of alleged sale deed bearing registration No.818/2024 dated 15/02/2024 along with list Exh.21. On perusal of the sale, it reveals that defendant No. 1 executed the same in favor of proposed aforesaid defendant i.e. Shakuntala Shrikrushan Raut in respect of suit land Gat. No.79 ad-measuring 80R land area situated at village Shimpetakali, Tq. Majalgaon, Dist. Beed more particularly described in paragraph No.1 of plaint (Exh.1). The suit is instituted on 11/10/2019.

5. In view of foregoing discussion, the plaintiffs want to carry out proposed amendment, which seems to have based upon subsequent event took place during pendency of suit. Therefore, the proposed amendment is found just and proper for adjudication of dispute amongst the parties on merit. Thus, the application deserves to be allowed. Here, i would like to point out that, the plaintiff has incorrectly mentioned "defendant No.2" in proposed prayer clause No.(E) might be due to typographical mistake. The same requisite to be rectified by replacing correct word as "defendant No.3" as pointed out by the learned Advocate for the plaintiff. Likewise, the plaintiff has also requires to carry out consequence amendment regarding

valuation of the suit and payment of court fees towards proposed relief of declaration regarding, the said sale deed is not binding on him etc. The plaintiff has to pay additional court fees against said proposed relief. In the result, I pass the following order.

**ORDER**

- 1) The application (Exh.18) is allowed.
- 2) The plaintiffs shall carry out proposed amendment in the body of plaint (Exh.1) as mentioned in the application vide Order-VI, Rule-17 of the Code of Civil Procedure, 1908, subject to clause No.4 of this order.
- 3) The plaintiffs shall make compliance in all respect within prescribed time period and shall placed on record amended copy of plaint (Exh.1).
- 4) The word "defendant No.2" as incorrectly mentioned in proposed prayer clause (E) be replace as "defendant No.3 and the plaintiff shall carry out consequence additional amendment regarding valuation of the suit and payment of court fees towards proposed relief of declaration and pay additional court fees against said proposed relief.
- 5) The costs in main cause.

Date :- 21/07/2025.

(S. S. Budruk)  
Civil Judge Senior Division,  
Majalgaon.

**CERTIFICATE**

The contents of above order is/are word to word same and found correct in this pdf.

Dictated on : 18/07/2025.  
Typed on : 18/07/2025.  
uploaded on : 18/07/2025.

Sd/-  
(H.B.Suryawanshi)  
Steno-Gr.II  
C.J.S.D.Majalgaon.