

MHBU13001440-2021

**Order below Exh. 31 in R.C.S. No. 97/2021****Vitthal vs. Keshavrao & others**

This is an application filed by plaintiff for amendment. It is contention of the plaintiff is that during pendency of suit defendant No.1 have created third party interest in respect of suit property. He has executed gift deed in favour of his daughter-in-law. Therefore, to final adjudication purchaser is a necessary party to the suit. As well as plaintiff prayer for amendment in the pleading in respect of sale deed executed by defendant No.1 in favour proposed defendant.

2. Defendants filed their say and opposed the application.

3. The trial is not commenced. The gift deed has executed on 23/6/2021 before filing present suit. The suit has filed on 12/7/2021. Considering nature of the suit and on the ground of alleged gift deed proposed defendant is necessary party to the suit. In view of dispute between the parties amendment should be allowed. No prejudice would cause to other side. Hence, proceed to pass following order.

ORDER

01. Application at Exh. 31 is allowed.
02. Plaintiff shall carry out the proposed amendment within stipulated time.

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(2)

Order below Exh. 31

3. After amendment issue suit summons to newly added defendant.

Date :- 23/08/2022
Place :- Chikhli

(H.D. Deshinge)
Civil Judge Junior Division,
Chikhli.

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(3)

Order below Exh. 31

Certificate

I B.B.Theng, Stenographer affirm that the contents of this PDF file Judgment/ Order are same words, as per original Judgment/Order.