

MHGA040004562020



**IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION),**  
**ARMORI, DIST. GADCHIROLI**  
**(Presided Over by Smt. Vaishali V. Choudhari)**

**R.C.S. No.14/2020**

- 1] Shri. Sudhakar Arjun Gonnade
  - 2] Shri. Dilip Arjun Gonnade
  - 3] Prajwal Subhash Nandankar
  - 4] Ujwal Subhash Nandankar
  - 5] Sau. Snehal Amit Paunikar
- ... Plaintiffs**

**-Versus-**

- 1] Shri. Arjun Kanhu Gonnade (Dead)  
Through Lrs.
  - 1A) Smt. Ashabai @ Yadnyakala Arjun Gonnade
  - 1B) Sau. Nanda Subhash Nandanwar
  - 1C) Sau. Chanda @ Aditi Uday Nagpure
  - 2] Shri. Santosh Arjun Gonnade
  - 3] Shri. Jagannath Kanhu Gonnade
  - 4] Sau. Sarswata Pandurang Dhakate
- ... Defendants**

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Learned advocate for plaintiff : Shri. C.L. Darekar

Learned advocate for defendant : Shri. A.M. Kankate

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**Order Below Exh.89**

(Passed on 10<sup>th</sup> November, 2025)

This is an application filed by the plaintiff No.1 vide Order VI Rule 17 of the Code of Civil Procedure, 1908 for amendment in the plaint.

2] Plaintiff No.1 submitted that the suit has been filed for declaration of gift deed and sale deed as illegal and for partition. Alongwith suit, application for temporary injunction has also been filed. Plaintiff further submitted that out of the suit properties, the defendant No.2 has sold two properties during the pendency of the suit. He further submitted that house property bearing No.1187/2 was sold by defendant No.2 on 11.06.2020 to Shri Arun Harshe, R/o. Armori. It is further submitted that property bearing Survey No.52 admeasuring 0.06H.R. was sold by defendant No.2 on 22.11.2024 to Shri. Ravikant Sudhakar Vairagade, R/o. Bramhapuri, Th. Bramhapuri, Dist. Chandrapur and Vivek Suresh Kandkurwar, R/o. Paradgaon, Th. Bramhapuri, Dist. Chandrapur. The defendant No.2 has sold the properties after the filing of the suit. Hence, it is necessary to declare the sale deed of above mentioned two properties as illegal. Therefore, plaint is required to be amended. Plaintiff prayed to allow the application.

3] Defendant No.2 has filed his say (Exh.94). He submitted that the suit was filed on 14.09.2020 and the application for temporary injunction was filed on 07.11.2020. The order on application for temporary injunction was passed on 12.12.2024. The defendant has sold the house property bearing No.1187/2 to Shri. Arun Harshe and Shri. Subhash Harshe on 11.06.2020 vide registered sale deed. Hence, sale deed can not be declared as illegal. Defendant prayed to reject the application.

4] Read the application and say. Heard Ld. counsel for both the parties. Perused the record. It is seen that the suit has been filed for declaration of gift deed and sale deed as illegal and for partition. The plaintiff has claimed that the properties mentioned in the plaint i.e. property No.1 to 6 described on page 4 of the plaint are ancestral properties of plaintiff and defendant No.1. Out of these properties defendant No.1 has alienated some properties to defendant No.2 by gift deed and sale deed. Hence, the plaintiff has filed the suit. The defendant No.1 and 2 in their written statement have denied that the suit properties are the ancestral properties.

5] On reading the plaint and the written statement, I am of the view that nature of the suit properties can be decided on adjudication. At present the plaintiff is claiming the suit properties to be ancestral properties. The application for temporary injunction is allowed in favour of plaintiff and the defendants were directed not to alienate the suit properties during the pendency of the suit. Plaintiff has now claimed that during the pendency of the suit the defendant No.2 has sold the properties as mentioned in the instant application. Whereas defendant in his say submitted that the suit properties had been sold before the filing of the suit. Looking to the date of the institution of the suit and the date of sale of properties it is seen that house property bearing No.1187/2 is sold on 11.06.2020 i.e. before the institution of the suit and property bearing Survey No.52 is claimed by the plaintiff to be sold on 22.11.2024 i.e. during the pendency of the suit. The nature of the suit properties is not decided as yet. But for adjudication of the matter on merit the

current status and facts regarding ownership and possession of the suit properties is required to be brought on record and accordingly the plaint need to be amended. I am of the view that the proposed amendment is must and the application needs to be allowed. Hence, I pass following order.

**Order**

- 1] The application is allowed.
- 2] The plaintiff is permitted to amend the plaint as prayed in the application within 14 days from today and shall file amended copy of the plaint on record within the prescribed period.

Date :10.11.2025

(Smt. Vaishali V. Choudhari)  
Civil Judge (Jr.Dn.), Armori