

ORDER BELOW EXH. 52

The plaintiff filed this application under Order 6 Rule 17 of the Code of Civil Procedure.

2] It is contended by the plaintiff that the application (Exh.48) filed by the defendants, under Order 7 Rule 11 (d) of the Code of Civil Procedure, was rejected by this Court on 07/12/2017. While passing the order on application (Exh.48) the Court has directed the plaintiff to add other partner of the firm as a party to the suit within one month from the date of order. It is contented that the learned Advocate of the plaintiff was not aware of passing of the direction to add other parters as a party to suit and therefore, the amendment in that respect, could not have been carried out. It is further contented that the learned Advocate has not intentionally avoided to carry out the amendment. As per the plaintiff no prejudice will be caused to the defendants if he is permitted to carry out the said amendment. Hence, he prayed for allowing the application.

3] The defendants have objected the application on the ground that the Court by passing order on application (Exh.48) has given specific time for carrying out the

amendment. Hence, he prayed for rejecting the application.

4] Heard the leaned counsel for the plaintiff and the defendants.

5] The plaintiff has filed this suit for damages of Rs. 85,19,455.50. My learned predecessor, by passing order below application (Exh.48), has directed to the plaintiff to add other partner of the firm to the suit within one month form the date of order. But the plaintiff failed to do so. The reason for not complying with the order, is that the learned Advocate of the plaintiff was not aware of the direction to add other partner of the firm. In my opinion when the learned counsel has been appointed by the plaintiff in the suit, he is expected to have knowledge of every order which has been passed by the Court. Though the reason is not satisfactory, the proposed needs to be allowed as it is ordered by the Court. Further, if it is denied, irreparable loss will be caused to the plaintiff and real controversy between the parties will not be determined. Therefore, in the interest of justice I pass the following order.

ORDER

- 1] The application is allowed subject to cost of Rs.1,000/- .

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Spl.C.S. No.73/2014
Prafull Agencies Vs. Medley
Pharmaceutical Ltd.
CNR No.MHJN02-000981-2014

- 2] The plaintiff shall carry out the amendment forthwith, as per directions given by the Court, while passing order below application (Exh.48).

Sd/-03-07-2018

Jalna
Date :- 03/07/2018

(Smt. S.D. Soni)
7th Jt. Civil Judge (S.D.)
Jalna

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Certificate

I affirm that the contents of this PDF file order are same word to word as per original order.

Name of Steno : R.R.Jadhav, Steno L.G.
Name of Court : 7thJt.Civil Judge S.D., Jalna.
Date : 03/07/2018

Sd/-
Steno