

ORDER PASSED BELOW EXH.31

1. This application is filed by plaintiffs under Order 6 Rule 17 of Civil Procedure Code seeking permission to carry out some amendment in the plaint.

2. Initially plaintiffs had amended plaint and defendant Nos. 6 to 18 were inserted as trustees of defendant No.19 Trust and accordingly suit summons was issued to them. Some of the defendants appeared and filed their say contending that since 17.2.2018 they are not working as trustees of defendant No.19 and therefore, defendant Nos. 6 to 18 are not necessary party to this suit. It is contention of plaintiffs that now after the election new trustees have been appointed and, therefore, they want to delete defendant Nos.6 to 18 and instead of that they want to insert new trustees as defendant Nos.6 to 14. So also they want to amend number of defendant No.19 as defendant No.15. Hence, this application.

3. Defendants filed their say and opposed to allow this application contending that this application is filed by plaintiffs with sole intention to prolong the matter. Hence, they prayed for rejection of application.

4. Heard learned advocates for both parties and gone through the record. It appears that proposed amendment sought

by plaintiffs in respect of new development, which has been taken during pendency of suit. If defendant Nos. 6 to 18 are no more trustees, no purpose will be served by keeping them as defendants in the suit. So also new trustees of defendant No.19, who are conducting day to day affairs are required to be added as defendants in this suit. Hence, application deserves to be allowed. In result, I pass following order.

ORDER

- (1) Application is allowed.
- (2) Plaintiffs shall carry out necessary amendment and shall submit amended copy on record on or before next date.

Jaysingpur.
Dt.: 05.09.2018.

Sd/-
(K.G.Sawant)
Civil Judge Senior Division,
Jaysingpur.

