



ORDER PASSED BELOW EXH.40
IN SPECIAL CIVIL SUIT NO.14/2016

[CNR No.MHKO090002422016]

The present application is filed by the plaintiff under Order VI Rule 17 and Order I Rule 10 of the Civil Procedure Code. In short, it is the contention of the plaintiff that defendant no.2 sold out the property on 10.04.2024 to the proposed defendant no.4. Therefore, now it is necessary to amend the plaint and add him as a party. The plaintiff also seek amendment in regard to the valuation column.

2. The present application is strongly opposed by the defendants. In short, it is their contention that the application is false and fabricated. The proposed defendant is not necessary party. Present application is not sustainable in the eyes of law and only filed to prolong the matter. In fact, sale-deed dated 10.04.2024 is not executed by defendant no.2 in favour of defendant no.4, but already defendant no.1 put defendant no.4 in possession of suit property much prior to institution of the suit. Therefore, now the plaintiff cannot challenge that sale-deed. The allegation made by the plaintiff are baseless. Hence, the application is liable to be rejected.

3. Heard both the sides at length. The plaintiff wants to add the proposed defendant, as he is purchaser of the some

portion from suit property 1A. The presence of the proposed defendant is necessary to decide the real controversy at finality. No prejudice will be caused to the defendants, if the proposed defendant is added as a party. Thus, to decide the real controversy between the parties, addition of the proposed defendant is necessary to the proceeding. Hence, in conclusion, I am of the view that the proposed defendant is necessary party to the proceeding and the amendment regarding to it. Therefore, the application deserves to be allowed. Accordingly, I pass the following order:

ORDER

- 1] The application is allowed.
- 2] The plaintiff is permitted to carry out the proposed amendment as shown in the application.
- 3] The proposed defendant be added as defendant in the chronological number.
- 4] The aforesaid amendment shall be carried till next date and the copy of amended plaint be filed within the same period.

Place : Gadhinglaj.
Date : 25.03.2025.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj