

**ORDER BELOW EXH. 86 IN R.C.S.NO. 175/2010**

1 .           The present application is filed on behalf of the plaintiff's for the amendment of plaint as per Order 6 Rule 17 of Code of Civil Procedure.

2 .           It is stated on behalf of the plaintiff's that, suit properties are not yet partitioned amongst the parties. After the death of defendant no. 7 his legal heirs i.e. defendant no. 7-A to 7-D have been served with the notices. Therefore, the legal heirs of deceased defendant no. 7 were aware with the pendency of the suit relating to the suit properties. In spite of the said fact, defendant no. 7-A to 7-D have executed sale deed in respect of the suit property bearing Gat no.287 in favour of Prasad Maruti Shinde on 16/09/2016. Therefore, the purchaser of the said property is necessary party in the present suit. It is further contention of the plaintiff's that, sale deed executed by the said defendants is not binding upon them. Therefore, plaintiff's have to make the amendment in respect of development with regard to the property sold during the pendency of the suit.

3.           Perused the record. The plaintiff's in support of their contention have filed on record the certified copy of sale deed executed by defendant no. 7-A to 7-D in favour of Prasad Maruti Shinde along with list at Exh. 82. On perusal of such documents it can be seen that, during the pendency of the suit transaction relating to one of the suit property has been taken place. Therefore, considering the nature of the suit and so as to avoid the multiplicity of the proceeding such development during the pendency of the suit is necessary to be brought on record. No harm will be caused to the defendants in the event of grant of the application as it will not

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change the nature of the suit. Hence, in view of the reasons the application filed on behalf of the plaintiffs for the amendment of plaint is hereby allowed. Hence, plaintiffs to carry out the necessary amendment within prescribed time.

Gadhinglaj.

Date : 05/02/2018

sd/-

**(H.V.Kulkarni)**

Joint Civil Judge Junior Division,  
Gadhinglaj.