

MHKO110005862022



Reg.Civil Suit No.68/2022

(CNR No.MHKO110005862022)

Order below Exh.23

01. Plaintiff made the present application with the prayer to carry out the amendment in the plaint and to add Sanjay i.e. son of deceased Mahadev as party defendant to the present suit.

02. It is the submission of the plaintiff that, while instituting the suit plaintiff inadvertently omitted to add Sanjay as party to the present suit. Sanjay is one of the son of deceased Mahadev. Hence he is necessary party to the present suit.

03. On perusing the application and nature of the suit, I am of the opinion that, the presence of Sanjay i.e. the son of deceased Mahadev is necessary party to the present suit, in absence of whose, no effectual decree or order shall be passed. On the other hand if the permission is granted to the plaintiff to add Sanjay as party defendant by amending his plaint, no prejudice will be caused to the other party to the suit, as well as there will be no any change in nature of original suit. Hence I proceed to pass following order.

ORDER

- 1) The application is hereby allowed.

- 2) The plaintiff is hereby directed to add Sanjay as party defendant to the suit and he is at liberty to carry out necessary amendment to that extent.
- 3) The plaintiff is hereby directed to carry out consequential amendment within 14 days from this order and submit amended copy of the plaint.
- 4) Issue summons/notice to the proposed defendant.
- 5) Application Exh.232 is disposed off accordingly.

Date : 13/01/2023

(L.M. Pathan)
Civil Judge Junior Division,
Peth-Vadgaon