

Order below Exh.23 in Regular Civil Suit No.84/2016.

This is an application moved by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure.

2) Heard learned advocates Shri. R.P. Bandiwadekar for the plaintiff and Shri. S.L. Patil for the defendants. Perused the application and say.

3) Plaintiff contended that he instituted the suit for the relief of partition and separate possession along with consequential relief of perpetual injunction. The suit is filed on 11/07/2016 and show-cause notice was issued to defendant No.1 and 2 that why temporary injunction should not be granted restraining them from alienating the suit properties. In spite of this fact, on 18/07/2016 the defendant No.1 to 3 have executed the sale deed in respect of suit properties Gat No.294 and 271 in favour of Vaiju Sattu Gawade, Ganapati Sattu Gawade and Jotiba Sattu Patil (Gawade). The defendant No.1 to 3 have also executed another sale deed dated 18/07/2016 in respect of suit property Gat No.212 in favour of Sou. Shital Bhairu Gadade. Hence, by way of this application, plaintiff wants to incorporate the pleading that defendant No.1 to 3 have executed sale deeds dated 18/07/2016 in favour of Vaiju, Ganapati, Jotiba Gawade and Sou. Shital Bhairu Gadade. The plaintiff has also sought the relief of declaration that these two sale deeds be declared as not binding on him. Hence, the application.

3) The defendants resisted the application contending that application is not maintainable in law.

4) The perusal of photo copies of sale deeds dated 18/07/2016 vide Exh.22/1 and 22/2 revealed that defendant No.1 to 3 have executed sale deeds in favour of Vaiju, Ganapati, Jotiba Gawade and Sou. Shital Bhairu Gadade. Hence, as plaintiff has filed suit for the relief of partition and separate possession. Hence, if the application is allowed, then no

prejudice or harm would be caused to the defendants and the nature of the suit will not be changed. Hence, I hold that application deserves to be allowed. Hence, I proceed to pass the following order.

O r d e r

- 1) Application is allowed.
- 2) The plaintiff is permitted to carry out the amendment as prayed.
- 3) The plaintiff is directed to file copy of amended plaint on or before next date.
- 4) Failure to comply above order on or before next date, the application shall be deemed to be rejected.

Dated:- 10/11/2017.

Sd/-
(M. D. Thombare)
Civil Judge, Jr. Dn. Chandgad.

C E R T I F I C A T E

I affirm that the contents of this P. D. F. file Judgment/Order is same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V. L. Tadkod, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	10/11/2017
Judgment/Order signed by the P. O. on	10/11/2017
Judgment/Order uploaded on	10/11/2017