

MHLA110011492022



Order below Exh.30 in RCS No.502/2018

This is an application filed by plaintiff under Order VI Rule 17 CPC for amendment in the plaint r/w. Order I Rule 10 CPC for addition of parties on the grounds stated in the application. Defendant No.1 failed to file her say. Proposed defendants namely Shri.Keshav S. Patil, Shri.Santosh K.Mugale, Shri.Raman D.Chame, Shri.Yograj P Sandur, Shri.Sachin H. Aherkar and Sou. Vandana H.Pawar have filed their say at **Exh.43** and proposed defendant namely Shri.Digambar D.Jadhav has filed his say at **Exh.49**. All the proposed defendants have requested to reject the application for the reasons mentioned in their say. Perused application and say. Heard learned advocate Shri.H.V. Gaikwad for plaintiff and learned advocate Shri.U.S.Jadhav for proposed defendant namely Shri.Digambar D.Jadhav. Learned advocate for other proposed defendants failed to argue.

2. Record shows that plaintiff has filed this suit for partition and separate possession in respect of the suit properties described in para No.3 of the plaint. Defendant No.1 has filed her WS at **Exh.26**. The suit is proceeding ex-parte against rest of the defendants. Proposed defendants namely Shri.Keshav S.Patil, Shri.Santosh K.Mugale, Shri.Raman D.Chame, Shri.Yograj P.Sandur, Shri.Sachin H. Aherkar and Sou. Vandana H.Pawar have admitted regarding the fact of alienation of the portion of the suit properties in their say at **Exh.43**. Even proposed defendant namely Digambar D.Jadhav has admitted regarding alienation in his say at **Exh.49**. Plaintiff has filed photocopy of relevant sale deeds at list below **Exh.40**. From the contents of application it appears that third party interest has been created in the suit properties. By carrying out proposed amendment plaintiff wants to plead some necessary facts in respect of said transactions. Therefore, considering the grounds stated in the application and nature of suit, in my opinion, the application deserves to be allowed. Hence, I pass following order :-

ORDER

1. Application is partly allowed.
2. Plaintiff is hereby permitted to carry out proposed amendment in the plaint, as sought.
3. Plaintiff is further permitted to add Shri.Keshav S. Patil, Shri.Santosh K.Mugale, Shri.Raman D.Chame,

Shri.Yograj P.Sandur, Shri.Sachin H. Aherkar and Sou. Vandana H.Pawar as parties to the suit and shall carry out necessary amendment in the title clause of the plaint.

4. Plaintiff shall provide copy of amended plaint to the Court and defendant No.1.
5. After adding Shri.Keshav S. Patil, Shri.Santosh K.Mugale, Shri.Raman D.Chame, Shri.Yograj P.Sandur, Shri.Sachin H. Aherkar and Sou. Vandana H.Pawar as parties to the suit, suit summons be issued against them.
6. No order as to costs.

Date : 20/03/2025

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.