

R.C.S. No.139/2014.
Manisha Vs. Sopan & Ors.

ORDER BELOW EXH-191.
(Passed on 11thJune-2018)

1. This is an application filed by the plaintiff under order 6 Rule 17 and Order 1 Rule 10 of the C.P.C. for addition of party and subsequent amendment of plaint.
 2. It is a contention of plaintiff that, she has filed present suit for partition of the suit property. The plaintiff has mentioned in his plaint that out of joint share Survey No.231 & 234 are sold to Chandrakant Maroti Gore but the purchaser is not made party to this suit. Hence by this application plaintiff prayed to add Chandrakant Maroti Gore in the suit and allow subsequent amendment in relation to amendment.
 3. The defendant's resisted the application by filling say on the back leaf of an application and contended that proposed amendment is not subsequent event, if plaintiff had earlier knowledge of the sale transaction already trial commenced. The proposed amendment is not necessary for adjudication of the suit. The application is filed only to prolong the matter. Hence, prayed to reject the application.
 4. Admittedly, this is suit for partition and for khas possession . The plaintiff in her plaint para No.4 mentioned that, her joint and ancestral property bearing survey No.231 & 234 is sold to Chandrakant Maroti Gore. Therefore, for the purpose of complete and effective adjudication the presence of Chandrakant Maroti Gore is necessary. No prejudice would caused to defendants if proposed defendant is added as a party. Further, if
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the proposed defendant is not added the party it will create further complicity in the proceeding. The nature of suit will not change by addition and subsequent amendment. The proposed defendant is only formal party, therefore, it would just and necessary to add the purchaser as a defendant No.16. In the result I pass following order.

ORDER

01. Application is allowed.
02. The proposed defendant is added as a defendant No.16.
03. The plaintiff is permitted to carry out necessary amendment.
04. Issue suit summons to defendant No.16.
05. Concern clerk take entry of addition of party in concern register.

Sd/-

(Atul B. Patil)

3rd Civil Judge Junior Division,
Nilanga.

Nilanga.
Dated : 11.06.2018
