

**R.C.S. No.81/2021**  
**Nilawati Nande**  
**Vs.**  
**Nivrutti Jadhav & Ors.**

**Order passed below Exh.23**

1. Perused the application. The suit is proceeded Ex-parte against defendants no. 3, 4, 5, 12 and without W.S of defendants no. 2, 7 to 11, and dismissed against defendant no.6 and the name of the defendant no.1 was deleted as defendant no.1 is dead. Therefore no say filed by the defendants on present the application. Perused the documents on record. The suit is filed on 24.06.2021 for partition and separate possession of plaintiffs share. By way of amendment, plaintiff prayed to add subsequent buyer as defendant no.13 and prayed for declaration that the sale deed dated 28.06.2021 bearing DB No.1087/2021 between defendant no.2 and proposed defendant no.13 Shobha Hanmant Sawant and sale deed dated 11.02.2016 between defendant no.2 and defendant no.12 bearing DB No.275/2016 be declared as not binding on share of the plaintiff and sought amendment in plaint para 6 and para 10, prayer clause accordingly. Considering nature of amendment as it is suit for partition and separate possession consequential relief as to declaration as prayed by the plaintiff, is required to be added to avoid multiplicity of proceedings. Considering the date of sale deeds as mentioned above, plaintiff is silent as to why she has not prayed the said amendment earlier. The date of sale deeds bearing DB No.275/2016 is 11.02.2016. The suit is filed on 24.06.2021. The plaintiff is silent as to why she has not prayed declaration above such sale deed at the time of filling of suit. If perused documents on record the name of defendant no.11 is

amended below Exh. 1 therefore prayer as to change in name of defendant no.11 is not tenable. For remaining amendment considering principles of natural justice, and to avoid multiplicity of proceedings, application deserves to be allowed subject to costs. Hence, following order.

**ORDER**

1. Application is allowed subject to costs of Rs.500/- to be credited to Government.
2. Plaintiff is directed to carry out necessary amendment within 14 days.

Dt. 30/04/2026  
Place: Renapur.

(P.A.Apte)  
Civil Judge Junior Division  
RENAPUR