



R.C.S. No.565/1997.
Maheboob Vs. Sushilabai

ORDER BELOW EXH. NO.207

1. This is an application filed by plaintiff to amend pleading, as per order VI rule 17 of C.P.C.

2. According to plaintiff, he has filed present suit for declaration of ownership and perpetual injunction in respect of the suit property. According to plaintiff, Defendant No.14 in his written statement stated that he has purchased suit property from Ganesh Dattu Waghmare during pendency of suit. Plaintiff has got knowledge of the same when he received copy of written statement of defendant No.14. During pendency of suit defendant No.7 by showing false boundaries, without possession and without consideration illegally executed false and nominal sale-deed bearing No.1140/2007 dated 21-04-2007 in favour of Ganesh Dattu Waghmare. Ganesh Dattu Waghmare again illegally executed false sale-deed bearing No.505/2010 in favour of defendant No.14. According to plaintiff, the said sale-deeds are not binding on him. Therefore, said Ganesh Dattu Waghmare is necessary party to present suit and to add para No.11/C in the pleading. In these situation, plaintiff prayed to amend his plaint and to add purposed party as defendant No.16 and to insert para No.11/C in the plaint. Plaintiff lastly prayed for allowing application.

3. Defendant No.6 has filed his say to present application. According to him, plaintiff has knowledge about execution of sale-deeds. Plaintiff has intentionally not added defendant within limitation. There was delay in filing the application. He lastly prayed for rejection of application.

4. Heard learned advocates for both sides.

5. Perused record, application and say.

6. On perusing record it appears that the plaintiff has filed present suit for declaration of ownership and perpetual injunction in respect of the suit property. The plaintiff on affidavit stated that Defendant No.14 in his written statement stated that he has purchased suit property from Ganesh Dattu Waghmare during pendency of suit. Plaintiff has got knowledge of the same when he received copy of written statement of defendant No.14. During pendency of suit defendant No.7 by showing false boundaries, without possession and without consideration illegally executed false and nominal sale-deed bearing No.1140/2007 in favour of Ganesh Dattu Waghmare. Ganesh Dattu Waghmare again illegally executed false sale-deed bearing No.505/2010 in favour of defendant No.14. According to plaintiff, the said sale-deeds are not binding on him. Therefore, said Ganesh Dattu Waghmare is necessary party to present suit. So also, it is necessary to add para No.11/C in the pleading. It is pertinent to note that the purposed amendment does not changed the nature of suit. The plaintiff stated on affidavit that Ganesh Dattu Waghmare is necessary party to present suit. Considering these situation, I am of the view that the

purposed amendment does not changed the nature of suit. Purposed defendant is necessary party to present suit. If purposed amendment is allowed then no irreparable loss would be caused to the defendant. The purposed amendment is necessary to decide the real question between the parties. Considering these all circumstances in my view application needs to be allowed.

ORDER

1. The application is allowed. Permission is granted to plaintiff to add Ganesh Dattu Waghmare as defendant No.16 and insert para 11/C in the pleading accordingly.
2. The plaintiff is hereby directed to carry out the amendment within 14 days.
3. No order as to costs.

Date:- 24/02/2020.

(S. P. Jadhav)
Civil Judge,J.D., Ausa.