

ORDER BELOW EXH.36 in R.C.S. No.374/2016
Kavita Vs. Surendrashinh & Ors.
CNR No. MHLA14-000946-2016

The present application is filed by plaintiff for amendment in plaint under Order VI Rule 17 of CPC. Perused the application. Heard.

2. It is the contention of plaintiff that during the pendency of suit defendant no.2 and 3 alienated the suit property in favour of Shri Prabhu Mathpati and Somanth and Shrinivash Deshmane. Therefore, it is necessary to add the alleged purchasers of the suit property in the capacity of the defendants. Further, it is contented that in order to explain the description of the suit property in para no.2 specific direction needs to be amended. Further, in regard to the alleged alienation it is necessary to amend the pleadings in para no.5. Therefore, it is contented that in order to adjudicate the matter on merits and for effective adjudication, the proposed amendment in plaint is necessary. Therefore, he prayed that the application may kindly be allowed.

3. The application is proceeded without say of defendants. Considered submissions. Therefore, in the interest of justice it is necessary to amend the main application. Considering the circumstances, it is seen that if the application is rejected then it will cause multiplicity of

proceeding. The proposed amendment does not cause any change in the nature of the main application. There will be no prejudice to respondents if application is allowed. Therefore, I am inclined to allow this application in the interest of justice and to determine the real question of controversy.

ORDER

1. Application is allowed.
2. Plaintiff is directed to amend the main application within 14 days from the date of order.
3. Copy of amended main application be given to other side.

Ausa.

Date: 02/03/2022.

(P.D.Kolekar)

Civil Judge J. D., Ausa.