



**ORDER BELOW EXH.26.**  
**[ MHLA150006792022 ]**

The present application is filed by plaintiff for amendment in the plaint under Order 1 rule 10 r.w. order 6 Rule 17 of code of civil procedure.

2. Plaintiff contended that, defendant has not pleaded in his written statement that the defendant has made Court Decree of suit land in favour of his sister by name Jyoti w/o. Nagnath Ghuge before the Civil Court J.D. Chakut in RCS No. 58/2022. This material fact has been suppressed by defendant. The fact came to knowledge of plaintiff when Jyoti w/o. Nagnath Ghuge muted her name to revenue record of suit.

3. Plaintiff has got the knowledge of this fact after filing the present suit, so it is necessary to amend the plaint as ;

a) In claim clause and prayer clause the - The decree passed by Hon'ble Civil Judge (J.D.) at Chakur in RCS No. 58/2022 (Jyoti Vs. Vikas) on dated 21.04.2022 may kindly be set-aside.

b) After para no.2 :- The defendant no.1 is brother of defendant no.2

c) By inserting para no.11/A) after the para No.11 as para No.11/A) That the def. No.1 had alienated land Gat no. 497 Adm. 00 H. 42 of village Rohina to Jyoti w/o. Nagnath Ghuge r/o. Rohina Tq. Chakur Dist. Latur through Court Decree passed in RCS No.58/2022 ( Jyoti Vs.. Vikas)



As a matter of fact it is "Fraudulent- Transfer". Thus, the decree passed by Hon'ble Civil Judge (J.D.) At. Chakur in RCS No. 58/2022 on dated 21.04.2022 is also the subject matter of this suit.

Therefore, the decree passed by Hon'ble Civil Judge (JD) At. Chakur in RCS No.58/2022 ( Jyoti Vs Vikas) on dated 21.04.2022 may kindly be set aside.

Defendant no.1 had alienated the suit land to the Jyoti w/o. Nagnath Ghuge, age 36 year, occu. Agri. and H.H., R/o. Rohina Tq. Chakur Dist. Latur. So she is necessary party to suit. So she may be added as party deft. no.2 in present suit.

d) By inserting para no.13 (A) after the para no.13 as para no. 13(A): The suit of the plaintiff is also for the relief of setting aside the decree in RCS No. 58/2022 (Jyoti Vs. Vikas) on dated 21.04.2022 and the same is valued at Rs. 1,000/- and upon which additional court fees of Rs. 2000/- paid which is sufficient.

4. By allowing the application and proposed amendment nature of suit is not going to change and there will be no prejudice on party of defendant and proposed defendant.

5. Defendant has filed say vide Exh. 28 and contended that, agreement to sale of land Gat no. 497 adm. 0 H. 42 R situated at village Rohina Tq. Chakur is made by defendant in favour of plaintiff. But, the sister of defendant Jyoti w/o. Nagnath Ghuge has no concerned with the said agreement to sale. There is no need to mentioned in his written statement in respect to decree



passed in RCS No. 58/2022. No need to make Jyoti w/o. Nagnath Ghuge as defendant no.2 in the suit. Only to harass the defendant this application is filed by the plaintiff. The contention of plaintiff that, defendant alienated suit property in favour of his sister, is false and illegal one. If the application is allowed then, nature of suit will change. Hence, defendant lastly prayed to reject the application with costs.

6. Perused application and affidavit filed in support of this application. Heard learned advocate for plaintiff and defendant. On perusal of record it appears that the present suit is filed for specific performance of contract. In present matter issues framed at Exh.23. However evidence of plaintiff is yet to be adduced. In the mean time present application is filed by the plaintiff. If amendment is allowed there is no any harm will be caused to defendant, nor nature of suit will be changed. Suit is relating to immovable property. Right of the parties involved in it. Hence, considering the said fact, it is necessary to grant permission for amendment in pleading as prayed by the plaintiff for just and proper decision of the suit.

7. Considering the nature of the amendment, it reveals that present amendment is only in respect of further development of fact. In order to decide the real controversy between the parties and in order to decide the present suit on merit and considering further development made by the defendant in respect of suit properties which reveal after filing of suit, this Court is inclined to



allow the present application. No harm would be caused to defendant if proposed amendment is allowed. It will not change the nature of suit. So also defendants have every opportunity to file their additional written statement on it. Considering the record, proposed amendment as per record is necessary for proper adjudication of the matter. For the just decision of the suit it is necessary to allow the present amendment in the suit. Thus, I pass the following order-

**ORDER**

1]	The application Exh.26 is allowed.
2]	The proposed amendment shall be carried out by the plaintiff within 14 days of passing this order.
3]	Plaintiff is directed to supply the copies of amended plaint after proposed amendment.

Place:- Chakur  
Date :07.02.2025

[ M.S. Luniya ]  
Jt. Civil Judge J.D. Chakur



RCS No. 170/2022  
Sunita Vs.. Vikas

## CERTIFICATE

I affirm that the contents of this P. D.F file order are same word for word as per original order.

Name of steno	: M.B. Pathan
Court Name	: M.S. Luniya, Jt. C.J.J.D., Chakur.
Order Date	: 07/02/2025.
Order signed by presiding officer on	: 07/02/2025.
Order uploaded on	: 07/02/2025.