

Order below Exh. 28 in R. C. S. No.20/2018.
Jamil & Vs. Sharifabee & oths.
CNR No.MHLA170006662023

Plaintiffs have filed application under Order VI rule 17 of the Civil Procedure Code. It is submitted by plaintiffs that plaintiff No. 2 Bismilabi Raheman Biradar died on 23.12.2022 and defendant No.1 Sharifabi died on 26.3.2000. Raheman Biradar was having two wives namely deceased Bismilabi and deceased Sharifabi. Deceased Sharifabi is having Chandbi Ladlesab Ladkhan, Mulayambi Khaled Shaikh, Rehana Makdum Biradar. These are daughters of Raheman Biradar from the wedlock between himself and Sharifabi. These daughters are not included in the suit. Therefore, it is prayed that they may be permitted to add these three daughters as defendant in the present suit by carrying out amendment.

2. Perused the say of defendants. They have objected the application on the grounds that the plaintiffs came to know about these three daughters from the written statement filed by defendants and now on the basis of it, plaintiffs are amending the plaint which cannot be considered. Only to prolong the matter plaintiffs have come with this application. After going through written statement and evidence brought on record by defendants plaintiffs came to know about the death of plaintiff No.2 and defendant No.1. Therefore, plaintiffs have come up with carrying out this application.

3. Heard learned counsels for both the parties at length. Perused the record.

4. Plaintiffs have filed present suit for partition and

separate possession of suit land and declaration of cancellation of sale deed dated 10.09.2014. Considering the fact that daughters of deceased plaintiff No. 2 are necessary parties to the suit. If their names are not added in the suit they are likely to be deprived from relief claimed. Allowing this application will not change the nature of suit, nor it will cause any prejudice to defendants. Amendment can be carried out at any stage. Hence, for just decision of the suit the application needs to be allowed. Therefore, I pass following order.

ORDER

- 1] The application is allowed.
- 2] The plaintiff shall carry out amendment and add Chandbi Ladlesab Ladkhan, R/o Lamjana, Tq. Ausa, Dist. Latur, Mulayambi Khaled Shaikh, r/o Lamjana, Tq. Ausa and Rehana Makdum Biradar, r/o Lamjana, Tq. Ausa as defendants.
- 3] The plaintiffs shall carry out amendment within 14 days of this order.
- 4] No order as to costs.

Date: 19.08.2021
Place:-Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.