

ORDER BELOW EXH.22.

- 1) This is an application filed by plaintiffs to amend the plaint under order VI Rule 17 of CPC.
- 2) Plaintiffs contend that they have filed a suit for ejection and recovery of possession. However, the counsel for defendants filed pursis Exh. 21 and conveyed that defendant No. 3 Anchal Manoj Rohankar has become major. Hence, plaintiffs learnt about it and at the time of institution of suit said defendant No. 3 was minor. Therefore, she was impleaded through her legal guardian mother defendant No. 1. Hence, plaintiffs pray for amendment to add defendant No. 3 in its individual capacity.
- 3) Defendant No. 1 and 2 have resisted this application by contending that indeed defendant No. 1 and 2 filed the pursis on record submitting that during the pendency of suit defendant No. 3 became major therefore, after attaining the majority without join her as necessary party resultantly filed the application for amendment by plaintiff but their bonafide and due diligence not shown. Hence, he prays for to reject the application.
- 4) Heard, perused entire record.
- 5) As noted above this is suit for ejection and recovery for possession of the suit property plot No. 50 wherein plaintiffs who are sisters of each other claim to be owner of suit property by virtue of will deed executed by their father on 29.07.2015 and contend that defendants who are heirs of their deceased brother have illegally entered in suit property.
- 6) Defendant No. 1 and 2 have resisted the suit vide their W.S. Exh. 19 and they questioned will deed etc.
- 7) It is admitted by the defendants that defendant No. 3 who was earlier minor has attained majority as per their pursis Exh. 21 as well as their say Exh. 23.
- 8) Moreover, the matter is for not for hearing stage yet and it is for hearing on TI application. Therefore, amendment may be allowed as it is

technical one and no prejudice would be caused to defendants if it is allowed.

9) Considering the provisions under Order VI Rule 17 as well as Order XXXII of CPC the late minor defendant who has attained majority may be impleaded as defendant in his individual capacity.

10) Hence, I am inclined to allow this application.

11) Hence, I proceed to pass following final order ;

ORDER

i) Application Exh. 22 is allowed.

ii) Plaintiffs are permitted to carry out proposed amendment within 30 days subject to cost of Rs. 500/-.

Date :- 30.08.2022.

(P. S. Jondhale)
Civil Judge, Jr. Dn., Katol.