

ORDER BELOW EXH.148 IN R.C.S.No.138/2012**(Rambhau Kedar vs. Bala Kedar and others.)**

1. The plaintiff has filed present application to amend the plaint under Order 6 Rule 17 of Code of Civil Procedure.

2. It is contention of the plaintiff that, the suit is filed for declaration and perpetual injunction. Defendant Nos.8 to 16 are impleaded as defendants in the suit. The suit summons were returned unserved with postal acknowledgement of defendant Nos.11, 12, 14 and 15. There is specific endorsement of post authority that, addresses are not proper. The plaintiff has received the correct address of defendant Nos.11, 12, 14 and 15 and accordingly want to insert the new addresses for effective service of summons. Accordingly, prayed to allow the application.

3. The defendant have filed their say below Exh.149 and resisted the application. The defendants have specifically denied all the contention raised in the application. It is specifically submitted that, defendant Nos.11,12, 14 and 15 are the relative of plaintiff and plaintiff is having visiting terms with them. Plaintiff is intentionally delaying the matter which is more than 10 years. The present application is filed intentionally to delay the matter. Hence, it is prayed to reject the application with costs.

4. Heard both the advocates. On perusal of record below Exh.140 to 143, the summons are returned as unserved due to insufficient and wrong address. There is specific endorsement of post authorities on the envelopes. As the defendants are necessary party to the suit and considering the principle of natural justice, defendant Nos.11, 12, 14 and 15 are to be heard by giving an opportunity to appearing in the matter. This could only be done by an effective service of summons to the defendants on correct address and which is best known to the plaintiff. Hence, considering the record and for effective service of summons, the proposed amendment is necessary to adjudicate the

matter on merits and to give opportunity to the defendants. No prejudice would be caused to the defendants. Hence, I proceed to pass following order-

:: ORDER ::

1. Application Exh.148 allowed.
2. Plaintiff is permitted to carryout the proposed amendment as contended in the application on todays date.
3. Plaintiff is directed to file amended coy accordingly and take necessary steps for issuing summons to defendant Nos.11, 12, 14 and 15 on the proposed address on todays date.
4. Cost in cause.

[Dictated and pronounced in the open Court.]

Date:23.10.2023

(R. B. Kulkarni)
2nd Jt. Civil Judge Junior Division,
Saoner.

C e r t i f i c a t e

I affirm that the contents of this PDF order are same word to word, as per the original order.

Name of Stenographer :- M.A.Tiwaskar