

ORDER BELOW EXH.22
(Passed 23.06.2025)

This is an application filed by the plaintiff for amendment of plaint as per Order VI Rule 17 of Civil Procedure Code. It is the contention of the plaintiff that the plaintiff came to know defendants had executed sale deed in favour of Chandrakant Padmakar Hiware, hence, he is necessary part to the suit. Hence, kindly permission may be granted to make an amendment in the plaint.

02. Defendant no. 1 and 2 strongly opposed the application by filing their say. It is their contention that the suit is filed for the specific performance of contract against defendants. Therefore, the proposed defendant is not a necessary party. Now, it is the settled principle that the third party is not a necessary party. There is no any privity of contract in between the plaintiff and the proposed defendant. Hence, he prayed to reject the application.

03. As per the order of this Court, notice was issued to the proposed defendant to file his say. The notice is duly served upon him as per Exh.23, but, he failed to appear before the court and file his say. His conduct shows that he do not have any objection to add him as a party defendant no.3 in a suit.

04. Heard the Ld. Advocates appearing for the parties. It is admitted fact that defendant nos. 1 and 2 have sold out the suit property to the defendant no.3. Therefore, he is necessary party. No

doubt, the defendant no.3 is standing in the shoes of defendant nos.1 and 2. But, he is a necessary party. Hence, application is allowed. Accordingly, I proceed to pass following order -

ORDER

1. Application Exh. 22 is allowed as prayed.
2. The plaintiff is hereby directed to carryout the amendment and filed the amended copy of the plaint within 14 days.

Saoner
Date : 23.06.2025

(S. A. Sardar)
Civil Judge Sr. Dn. Saoner.