

MHNG130006422013



R.C.S. No. 1400055/2013

Ratiram Sitaram Ramteke & others.

v.

Devakabai Raghunath Ramteke & others.

Order below Exh. 60

(Passed on 20/11/2025)

This is an application filed by the plaintiffs under Order VI Rule 17 of Code of Civil Procedure for amendment in plaint.

2. Perused the material on record and heard both the sides.
3. Following points arise for my determination along with findings and reasons thereon, as under:

SR.NO.	POINTS	FINDINGS
1	Whether the amendment is necessary to decide the real controversy between the parties ?	Yes.
2	What Order ?	As per final order.

REASONS

AS TO POINT NO.1:-

4. It is contention of the plaintiffs that, they have filed the present suit for declaration, possession and permanent injunction against the

defendants. On 16.08.2022, when the plaintiff drew 7/12 extract of suit property and registered sale deed, at that time, the plaintiffs came to know that during the pendency of present suit, defendant no.5 has executed the registered sale deed in respect of suit property in favour of defendant no.6 vide registration no.1554/21 dated 28/09/2021.

5. It is further contended by the plaintiffs that, by way of this proposed amendment, plaintiffs want to insert Para No.9B after Para No.9A as follows:-

“It is submitted that, during the pendency of the instant suit the defendant no.5 has executed and registered the sale-deed of the suit property in favour of the defendant no.6 vide registered documents No.1554/2021 dated 28/09/2021 in the office of joint Sub-Registrar at Ramtek. The said transaction is malafide, collusive, farce, void, bogus and illegal which deserves to be declared as null, void and not binding upon the plaintiffs.”

6. It is further contended by the plaintiffs that, by way of the proposed amendment, plaintiffs want to insert clause B(ii) after clause B(i) in the prayer clause as mentioned in the present application. They have further submitted that, the said amendment is necessary to attain the real justice as in the change of circumstances during the pendency of suit. The proposed amendment would not change the nature of the suit. Hence, they prayed to allow the present application.

7. The defendants even after giving sufficient opportunity failed to

file their reply. Hence, the present application came to be proceeded without their reply.

8. Perused the record, it appears that, during the pendency of present suit, defendant no.5 has executed the registered sale deed in respect of suit property in favour of defendant no.6 vide registration no.1554/21 dated 28/09/2021. As per Order VI Rule 17 of Code of Civil Procedure, if the proposed amendment is necessary for the purpose of determining the real question in controversy between the parties, the Court may allow the amendment at any stage of the proceeding. The present application was filed by the plaintiffs on 20/10/2022 but defendants have not filed their reply till 09/10/2025, therefore no reply order came to be passed against them. Therefore, defendants having opportunity have not resisted the present application.

9. In the present case, the proposed amendment pertains to change in circumstances which occurred during the pendency of the suit and needs to be allowed. If it is allowed, it will not change the nature of the proceeding and further no prejudice would be caused to the other side and on the contrary if it is refused then irreparable loss would be caused to the plaintiffs. Moreover, Hon'ble Superior Courts have always stated in various decisions that, Courts to take liberal approach while deciding amendment applications. Hence, considering all the above facts, I answer the point no.1 in affirmative and in answer to point no.2, I pass the following order:

ORDER

1. The application at Exh.60 is allowed.
2. The plaintiffs to carry out the amendment within 14 days from the date of this order and supply its amended copy to defendants.

Date: 20/11/2025

Sd/-
(D. C. Vorani)
Joint Civil Judge Junior Division,
Court No. 2, Ramtek.