


MHNG140005322024 	R.C.S. No. 32/2024 Master Yash -vs- Mohan
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ORDER PASSED BELOW EXH.18

(Dated 16th September, 2025)

The plaintiff moved this application under Order 6 Rule 17 read with Order 1 Rule 10 of Civil Procedure Code, 1908 for the amendment in application and addition of party.

2. It is the contention of the plaintiff that during the pendency of the present suit. Defendant No. 2 and 3 effected the partition and registered the partition deed in the Office of Sub-Registrar in respect of suit property Schedule "A" on 14.02.2025 also effected the partition deed on 27.06.2024.

3. The defendant No. 1 executed the sale deed of some portion of suit property Schedule "B" and transfer the same. Therefore the plaintiff wants to carry out the necessary amendment in the suit in respect of subsequent events which took place during the pendency of suit and wants to make defendants to to the purchaser Pravin Kashiram Jathre,

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Daniram Girdharilal Shakya, Sitabai Dhaniram Shakya in respect of suit property in Schedule “B”

4. The defendant No. 1 filed reply at Exh. 22. Defendant No. 2 and 3 adopted the reply of defendant No. 1 by filing pursis at Exh. 25

5. Heard learned Advocate for the plaintiff and defendants.

6. The defendant submitted that the partition deed registered on 27.06.2024 vide document No. 1514/2024 prior to the filing of present suit. In respect of the property referred in Schedule “B” the partition deed executed on 06.02.2025 and registered on 14.02.2025 vide document No. 370/2025. Further submitted that by virtue of partition deed defendant No. 1 became the exclusive owner of 0.80 HR land of survey No. 105 Mouza Patgovari. Therefore defendant has right and authority to alienate entire land of survey No. 105 on this count defendants prayed for rejection of the application.

7. The plaintiff has filed suit for declaration and separate possession of the suit properties. Plaintiff submitted that during the pendency of the suit the partition in respect of the suit property mentioned in Schedule “A” and “B” effected

and registered the partition deed. On the contrary the defendant submitted that the partition deed in respect of the property Schedule “B” effected and got registered prior to the filing of the suit. It shows that the defendant is not denied the registration of partition deed. The defendant has not denied the execution of the sale deed by which defendant No. 1 transferred some portion of Schedule property “B”. The defendant submitted that the defendant no. 1 is absolute owner by way of partition. Therefore his has right to alienate the suit property in survey No. 105. It shows that sale-deed of some portion of the suit property is also admitted to the defendant. If the application allowed it will not change the nature of suit. The defendant shall have right to file their consequential written statement therefore, no prejudice will cause to the defendant. As considering the nature of the suit proposed amendment is necessary to decide for the final and proper adjudication of the suit. Hence I pass the following order.

ORDER

1	Application Exh.18 is hereby allowed.
2	Plaintiff to carry out necessary amendment and add the proposed defendant within 14 days from the date of this order and to file

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	amended copy on record.
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Parseoni.
Date 16-09-2025

(G.O.Wankhade)
Civil Judge Junior Division,
Parseoni

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CERTIFICATE

I affirm that the contents of this P.D.F. file of judgment are word to word, as per original judgment.

Name of Stenographer-(A.B.Tamgadge) (Grade-III)