

ORDER BELWO EXH No.16 IN R.C.S.82/2023

Sursh Thorat Vs. Sukdeo Thorat & Ors.

Plaintiff has filed this application for amendment in the plaint under Order 6 Rule 17 of the Civil Procedure Code. He contended that, the present suit is filed for performance of contract and permanent injunction. However, during the pendency of present suit he noticed that, the defendants no.01 to 03 has executed sale-deed no.1670/2023 for the consideration of Rs.16,80,000/- dtd. 04.09.2023 in the office of Sub-Registrar, Deola favour of Sau. Medha Hemant Ahirrao, R.o.Nashik. The present suit is filed on 01.07.2023. Therefore, in that respect it is necessary to amend in the suit. Hence, plaintiff prayd to allow the application. Proposed defendant no.04 filed say at Exh.31 contending that, the contents in the application Exhibit 16 are false. Defendants on08.07.2023 published a notice in daily news-paper "Punyanagri" mentioning that the plaintiff has not concern in any way with the suit property. By following due procedure, the defendant has entered into transaction. Therefore, defendant prayed to reject the application. Other defendants have not filed say, hence application proceeded without their say.

2. Heard both the sides. Perused application.

3. It is settled principal of law that, if the

proposed amendment is just and necessary to decide the real controversy between the parties and if by such amendment curtail the multiplicity of the proceeding, than the amendment should be permitted, so that the dispute between parties decided once for all.

4. Normally, all amendments should be allowed unless prejudice caused to the other parties. Here present suit is filed for specific performance of contract and injunction. According to the plaintiff, proposed amendments no.5A, 8A, 10B-1, 10E-1 and 12B-2 mentioned in applicant application are required to amend in the title clause of the plaint. Therefore, he prayed for the amendment. Though the proposed defendant no.04 has objected the application, but as the suit is in respect of immovable property and to decide the real controversy between the parties, in the interest of justice it is necessary to allow the plaintiff to put up his case by making amendment as prayed. The other defendants have not filed their say on the application and application proceeded without say. Hence, following order is just and proper.

ORDER

1. The amendment application Exhibit 16 is hereby allowed.

2. The plaintiff should carry out the proposed amendments in para no.5A, 8A, 10B-1, 10E-1, 12B-2 and in the title clause of the plaint mentioned in applicant application within limitation. If, he failed to do so, this application be treated as a rejected without any specific order.

Date :- 27.01.2026.

[M. V. Jawale]
Civil Judge Jr. Dn.,
Aamgaon.