

Order below Exh.18 in R.C.S. No. 210/2020

Read the application, and say filed on it. Heard the learned counsel for both sides. The suit is for declaration as to illegality of sale deeds, and gift deed, and permanent injunction. By the application, the plaintiffs sought to delete the names of plaintiff Nos.26 to 37 being inadvertently arrayed in the suit, and make necessary changes in the plaint accordingly. They further sought to amend the plaint to mould the relief of declaration with addition that, the aforesaid documents of sale and gift are not binding upon them. The proposed amendment does not change the basic nature of the suit. The would be sole master and dominus liti of his suit. He cannot be dictated as to whom to be made party to the suit as defendants. In view of this, the application is liable to be allowed. The proposed amendment be carried out on or before next date with submission of necessary copies of the amended plaint.

Sd/-xxx

(M. M. Gadiya)

Civil Judge, Sr. Div., Sinnar.

Date :- 26.06.2023.

Order below Exh.31 in R.C.S. No. 159/2021
(Meerabai Vs. Chandrabhan)

Read the application, and say filed on it. Heard the learned counsel for both sides. It is suit for partition, separate possession, and incidental reliefs thereto. It is seen that, during the pendency of the suit, defendant No.1 executed gift dtd. 03/09/2021 with regard to 70-R land of the suit land bearing block No.377 in favour of Prashant Vikas Khairnar and Suraj Vikas Khairnar. The plaintiffs sought to challenge the said alienation being illegal, and not binding upon them, and therefore sought to array these alienees as defendants in the suit. The proposed amendment appears to be necessary for effectual determination of the lis of the controversy. Further, the proposed persons being alienees of the suit land, are necessary parties to the suit. The suit cannot be finally and effectively adjudicated without their presence. Hence, the proposed amendment by way of addition of the parties as defendants, is liable to be allowed. Accordingly, it be carried out in the plaint on or before next date with submission of necessary copies of the amended plaint.

Sd/-xxx

(M. M. Gadiya)

Civil Judge, Sr. Div., Sinnar.

Date :- 16.06.2023.