

CNR NO. MHNS-2000-2134-2023

ORDER PASSED BELOW EXH. 33

(Santosh Dalvi & Ors. V/s Sukhdev Dalvi & Ors.)

The plaintiffs filed this application for carrying out amendment in the plaint as contemplated under *Order VI Rule 17 of the Code of Civil Procedure*.

2. Plaintiffs have contended that the present suit is instituted seeking relief of partition, declaration and perpetual injunction of the suit property. The plaintiffs further submitted that the defendant nos. 7 and 8 executed sale deed in favour of defendant no. 11 vide sale deed no. 2151/2025 dtd. 05/06/2025. It is the change in circumstance during pendency of this suit. The right over suit property was created by virtue of sale deed therefore the necessary amendment is required by adding the contentions with respect to sale transaction. Further, wants to amend the relief with respect to declaration of sale deed dtd. 05/06/2025 as void. The plaintiffs further wants to add para no. 2 stating the sale transaction and effect of mutation entry no. 4903. The plaintiffs wants to amend the relief of declaration of sale deed dtd. 05/06/2025 as void. Plaintiffs further wants to amend the relief of temporary injunction against the defendant no. 11 by inserting para no. 7B-1. Lastly, prayed for allowing this application.

3. Learned Advocate for defendants resisted the application by filing their say on the overleaf of this application. He submitted that the application is not tenable. He prayed for rejecting this application.

4. Heard both sides and perused the documents filed on record. Suit is filed for partition, declaration and perpetual injunction. Plaintiffs through this

application desirous to amend their plaint in para nos. 2, 7B-1 and prayer clause with respect to the sale deed dtd. 05/06/2025. Plaintiffs submitted that the during pendency of suit defendant nos. 7 and 8 executed sale deed of portion of suit property in favour of defendant no. 11. This incident seems to be done during pendency of suit. The relief claimed through this application will not change the nature of suit. Therefore, in order to have the effective adjudication of the dispute and execution of decree, in my considered view, the above said proposed amendment is required to be arrayed in the plaint. Further, it will be helpful to adjudicate the dispute and to reach to the fair and proper conclusion on merits. Moreover, the proposed amendment will not change the nature of the suit. Further, the evidence of party is not yet commenced. In the back ground of the same, I pass the following order.

ORDER

1. The application is allowed.
2. The plaintiffs do carry out amendment till next date.
3. The plaintiffs do supply copy of amended plaint on or before next date.

Place : Sinnar.
Date : 24/02/2026.

(Shri. L. C. Wadikar)
Civil Judge J.D., Court,
Sinnar.