

MHOS150014882014



R.C.S. No. 578/2014
Pritam+2 Vs. Sunil+1
CNR: MHOS150014882014

ORDER BELOW EXH. 51

Perused the application and say filed thereon.
Heard Learned Counsels for the plaintiffs and defendant
no. 2.

2. By this application the plaintiff is intending to carryout amendment with regard to that the suit property involved in the suit were acquired in the year 1985 by Executive Engineer Water Irrigation Department, Osmanabad through Office Kaudgaon Tq. Paranda Dist. Osmanabad. It is further stated that defendant no. 2 was aware about amount of compensation was also received in the year 1986. Despite this defendant no. 2 executed sale-deed illegally in his favour and therefore, proposed amendment is required to be carried out.

3. Per contra the Learned Counsel for the defendant no. 2 vehemently opposed the said application mainly on the ground that the said fact was within the knowledge of the plaintiffs. It also submitted that the proposed amendment change the nature of the suit and hence prayed to reject the said application.

4. From the record it is seen that the plaintiffs have instituted the suit for declaration and permanent injunction with regard to suit property. Moreover, the plaintiffs no. 1 and 2 are the children of plaintiff no. 3 and defendant no. 1. It is to be noted that in order to decide the controversy effectively and full adjudication of the suit, proposed amendment appears to be necessary. Also, the defendant no. 2 failed to show as to how the proposed amendment changes the nature of suit. Moreover, while dealing with the applications of amendment, liberal approach is required to be taken. Thus, considering the reason stated in the application, proposed amendment appears to be necessary. Hence, I proceed to pass the following order.

ORDER

- 1) Application is allowed.
- 2) The plaintiffs are directed to carry out amendment on or before next date of hearing.

Date : 09/01/2024.

Sd/-
(Parag S. Thakare)
Jt. CJJD, Paranda.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. Parag S. Thakare, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	09/01/2024
Judgment signed by the P.O. on	09/01/2024
Judgment/Order uploaded on	09/01/2024