

ORDER BELOW EXH.36

- 1) Perused the application, affidavit filed in support of the application at Exh.37, say filed by Defendants. Heard learned advocate for both at length. Perused all relevant documents.
- 2) This application filed by the plaintiffs to add Asha Anant Ingwale as a defendant no. 6 in the present suit. It is mentioned in the application that, plaintiff has filed suit against defendants for partition, defendant no. 2 has made compromise with his wife and transferred land adm. 00H 80R out of Gat no. 1199 to the proposed defendant no. 6. Proposed defendant is holder of suit property therefore she has to be included in the present suit. If present suit has been decided without including proposed defendant then serious prejudice would be caused and prayed for allowing application.
- 3) On perusal of the record, it appears that proposed defendant has got land out of suit property Gat no.1199. From the contentions it appears that, proposed defendant is directly connected to the suit property. Plaintiff has sought partition of suit property. Proposed defendant has got property out of suit property therefore she is having right to putforth her defence and defend claim of plaintiff. In order to settle actual controversy involved in

this suit completely and in order to determine the rights of the parties, it will be just and proper to allow present application. If present application is allowed, it will not cause serious prejudice to the defendants side. Therefore, in order to settle dispute involved in the present suit, it will be just and proper to allow present application. Hence, in the interest of justice I pass following order :-

O R D E R

- 1) The present application is allowed in following terms.
- 2) The plaintiff is hereby permitted to add Asha Anant Ingwale as a defendant no.6 and carryout amendment in the plaint within 14 days from today.
- 3) The plaintiff is further directed to produce requisite copies of amended plaint on record along with process fee and court fee if any.

Date :- 24/01/2020
Paranda

(S.P. Rachkar)
2nd Jt. C.J.J.D.,Paranda