

R.C.S.No.127/2024

Order Below Exh. 19

This is an application filed by plaintiff seeking addition of parties to the suit under Order 6 Rule 17 of Civil Procedure Code. The present suit is for specific performance, declaration and injunction. During pendency of suit Defendant No. 1 to 3 by engaging with Ravindra Balu Yadav for sell of Gat No. 254. The Defendant No. 1 to 3 Registered sale deed to favour of Ravindra Balu Yadav of suit property. The said sale deed is made during pendency of suit hence, the facts needs to be brought on record for that amendments needs to be carried out therefore prayed to allowed. The application the defendants say was called they failed to lead any say hence no say order was passed. Present plaintiffs application at exh. 17 for addition of the purchaser of suit property is already allowed unless plaintiff is given opportunity to amend the plaintiff. Plaintiff cannot lead evidence but the rule is clear that first party has to lead only then it can lead the evidence to that fact.

As the conveyance is during pendency of suit the amendment needs to be allowed. I see no bar to allowing the same hence, I pass following order :-

Order

1. Application is allowed.
2. Plaintiff to carry out the amendment forthwith plaintiff to provide copy of amended plaint on providing the same issue notice to Mr. Ravindra Balu yadav for appearing in the suit.
3. No order as to costs.

Bhor
Date : 25.03.2025.

(N.K.Nagargoje)
Civil judge, Jr. Dn.,
Bhor, Dist. Pune