

R.C.S. No. 75/2019
Sanjay V/s Laxman
CNR No. MHPU13000-275-2019

ORDER BELOW EXH-25

1. This is an application under Order 6 Rule 17 of Code of Civil Procedure. According to plaintiff Sunita Aakhade is sister of plaintiff and defendant no. 2. Due to oversight her name is not mentioned as parties to the suit. Therefore, plaintiffs is constrained to file this application. On the other hand, learned advocate for the defendants urged the present application is false and not tenable in the eyes of law. The reason mentioned for non impleading of proposed party is not proper. Therefore, learned advocate for the defendant prayed to reject this application and in the event of allowing it, he seeking heavy cost.

2. On going through pleadings of both sides and above rival submission it appears, the present suit is for partition and separate possession. Plaintiff and defendants are claiming share and right in ancestral properties. As stated in application Sunita Aakhade is sister of plaintiff and defendant no. 2. Thus, she is necessary party to the suit. By proposed amendment nature of suit does not change and it is not prejudiced to defendants. So far as, delay is concerned it is essential to impose cost on plaintiff. Therefore, this application deserves to be allowed. In the result, the order.

ORDER

1. Application is allowed subject to cost of Rs. 500/-.
2. Plaintiff shall carry out amendment and to file amended copy within 14 days from date of this order.

Saswad
Date:-05/09/2019

(A.B. Tahasildar)
Civil Judge Junior Division
Saswad

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno : Mr. K. N. Chopade, Stenographer
(Grade 3)

Court Name : A. B. Tahasildar
Civil Judge Junior Division, Saswad.

Date of Order : 05/09/2019

Order signed by presiding officer on : 05/09/2019

Order uploaded on : 07/09/2019