

ORDER BELOW EXH.62

Read application. It is contended by the plaintiffs that the suit is filed for partition and possession. The plaintiffs filed affidavit of examination in chief and the matter is for cross-examination of plaintiff by the defendants. However, on the pretext of settlement/compromise of the suit, adjournments were sought. However, during the meantime, defendant no.1 with his wife Sau. Janabai illegally sold 1 Hecter 04 R area out of Gat No.518 to Pandurang Vasant Chachar and Sau. Pavitra Pandurang Chachar vide sale-deed bearing registration No.181/2021 dtd.07/01/2021. The plaintiff got the knowledge of the same in November 2022. Thereafter also, defendants assured plaintiff to settle the matter. However, thereafter avoided to do the same. Therefore, now the plaintiffs want to add wife of defendant and the purchasers in this suit as defendants no.7 to 9. So also, plaintiffs want to amend consequential reliefs and valuation as mentioned in the application.

2] Defendant filed say overleaf and contended that any just and equitable order may be passed.

3] Perused the record. The suit is filed for partition, possession and injunction. However, during the pendency of suit, the alleged sale-deed was executed by defendant no.1, his wife in favour of proposed defendants/purchasers. Therefore, now the plaintiffs want to amend the suit and reliefs including declaration. The plaintiffs filed certified copy of the sale-deed dtd.07/10/2021. In such situation, the

amendment sought is very much necessary to determine the controversy between the parties once for all, so also to avoid the multiplicity of the proceedings. If application is allowed, the nature of the suit would not be changed. Hence, I pass following order.

ORDER

- 1] Application is allowed.
- 2] Plaintiff to comply and file amended plaint on or before next date.

Dt.20/11/2023

(Shri M.S. Bharad)
2nd Joint Civil Judge, J.D., Saswad

Certificate

“ I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno :- P.S.More

Court Name :- M.S. Bharad.
 2Nd Jt. CJJD, Pune.

Date of Order :- 20/11/2023

Judgment signed by :- 20/11/2023
presiding officer on

Judgment uploaded on :- 21/11/2023