

MHPU180006612010



ORDER BELOW EXH. No.339 IN R.C.S. No.105/2010

[Chingabai Mergal & Ors. Vs. Sadashiv Kokane & Ors.]

(Passed on 27th September, 2024)

The plaintiffs have filed present application under Order VI Rule 17 of the Code of Civil Procedure (for short 'the C.P.C.').

02. As per plaintiffs, suit is for partition, declaration and injunction. During the pendency of suit, defendant nos.9B, 10, 12A, 12B and 12C as well defendant no.18B have executed sale deeds in respect of suit property in favour of third party without the consent of plaintiffs. Therefore, a cause of action arose to amend the plaint and add the new parties as defendants in whose favour these sale deeds are created. Hence, this application.

03. Defendants have filed say on this application and resisted it on the ground that it is false, frivolous, out of limitation and therefore, not tenable. Further, the certified copies of sale deeds are not produced and therefore, this application deserves to be rejected.

04. Heard Ld. Advocate of plaintiffs and defendants at length.

05. Perused the record. Admittedly, the suit is for partition, declaration and injunction. Defendants have not denied the execution of these sale deeds. This being an subsequent event, plaintiffs had no knowledge of these sale deeds at the time of filing of suit. But in order to decide the suit on merit, the third parties in whose favour and interest is created due to execution of sale deeds have become necessary parties. Therefore, in the interest of justice and to avoid

multiplicity of proceeding, considering the subsequent event, the application is deserves to be allowed. Hence, passing following order :-

ORDER

01. Application is allowed.
02. Plaintiffs are directed to carry out the necessary amendment within 14 days and supply amended copies.

Daund.
Date :- 27.09.2024.

[**Smt. S. A. Virani**]
Jt. C.J.J.D., Daund, Dist. Pune.

CERTIFICATE

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

Name of Steno	:-	P. D. Jagatap.
Name of the Court	:-	Smt. S. A. Virani, Jt. C.J.J.D., Daund, Dist. Pune.
Order date	:-	27.09.2024.
Order signed by the Presiding Officer on	:-	27.09.2024.
Order uploaded on	:-	27.09.2024.