

MHPU180017612013



R.C.S. No. 101/2013

Vasantrao

Vs.

Namdeo and Ors.

ORDER BELOW EXH.48.

(Passed On 31/01/2026)

The present application is filed by the plaintiff under Order I, Rule 10 and Order VI Rule 17 of the Civil Procedure Code. The plaintiff contends that the present suit has been filed for an injunction and declaration in respect of the property and the instrument executed by the defendant with the hands of revenue officer. However, subsequent to the filing of the suit, the plaintiff realized that certain allegations regarding the revenue officer are inadvertently omitted from the plaint and that the revenue officer, who is a necessary party, has not been named in the suit. In light of this, the plaintiff prays for the permission of the Court to amend the plaint to add the revenue officer, specifically the Sub-Divisional Officer, Baramati, District Pune, as a defendant in the present suit. The plaintiff further requests that appropriate relief be sought against the proposed defendant in respect of the actions taken by the revenue officer, including N.A. order passed in favor of defendant No.3. The pleadings in respect of proposed defendants is required to be added in the present suit which are mentioned in the application. The plaintiff therefore respectfully requests that the application be allowed, and permission be granted to carry out the necessary amendments to the present suit.

2. On the contrary, all the defendants have vehemently opposed this application, submitting that the same is not

sustainable in law. The defendants contend that the present application is an attempt to withdraw admissions and is merely an afterthought. They contend that the application is not maintainable, as the plaintiff seeks to add the revenue officer as a defendant in the suit and raises issues concerning the actions of the revenue officer. However, according to the Maharashtra Land Revenue Code, the plaintiff cannot file a suit against the revenue officer. Further, the defendants contend that the present suit pertains to an injunction, and the issue regarding the revenue officer does not arise in the context of this suit. They contend that the proposed amendment is unnecessary for the resolution of the real controversy between the parties on the merits of the case. Therefore, the defendants respectfully request that the present application be rejected.

3. Despite several opportunities being granted, both the plaintiff and the defendants remained absent and failed to advance arguments on the present application. The matter is therefore taken up for orders. Upon perusal of the record, it is evident that, in the present suit, issues have not yet been framed. As per Order VI Rule 17 of the CPC, amendments to pleadings may be permitted at any stage of the proceedings, provided such amendments are necessary for the purpose of determining the real questions in controversy between the parties. The proviso to the said rule further stipulates that no application for amendment shall be allowed after the commencement of trial unless the Court is satisfied that, despite due diligence, the party could not have raised the matter before the commencement of the trial. In the present case, the trial has not yet commenced. Therefore, it

becomes necessary for this Court to examine whether the proposed party is a necessary party and whether the proposed amendment is required for the effective adjudication of the real and material controversy between the parties on merits?

4. The plaint reveals that the issues in the present suit relate to the declaration and injunction concerning the suit property, which appear to be genuinely disputed between the parties. The plaintiff seeks a declaration and injunction in respect of the suit property. However, in the present application, the plaintiff proposes to raise contentions regarding the revenue officer, namely the Sub-Divisional Officer, Baramati, who passed certain orders, and seeks to make the revenue officer a party to the suit. It appears that the proposed party is not necessary for the determination of the material controversy between the parties on merits. The revenue officer, in his official capacity, cannot be made a party to the present suit, as any order passed by him is appealable to challenge through the remedies provided under the Maharashtra Land Revenue Code. The absence of the revenue officer does not prevent the adjudication of the dispute between the existing parties. In the circumstances, the proposed amendment does not appear to be necessary for determining the real controversy between the parties, in accordance with Order VI, Rule 17 of the Code of Civil Procedure. The proposed party is not appears to be necessary party to the suit because in absence of that party suit can be proceed and decree can be executed. The proposed party is not appears the necessary party. Accordingly, in my opinion, the application for amendment is liable to be rejected. Thus, I pass the following order.

ORDER

The application below Exhibit 48 is hereby rejected with costs.

Daund.
Dt.31/01/2026.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 31/01/2026.
Order / Judgment singed by	:- 31/01/2026.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 04/02/2026.