

MHRG040020452025

**Order Below Exh. 88 in Spl.C.S. 247/2025**

This is an application filed by plaintiffs for amendment in the plaint. Defendant no. 48 and 49 have filed their say on application itself. Other defendants have not filed their say.

2. The brief facts of the application are that, the plaintiffs have filed the present suit seeking declaration, partition, cancellation of lease agreements dtd. 05/07/2022 and 20/08/2024, cancellation of tri-partite agreements dtd. 03.05.2024 and 19.03.2024 and for a perpetual injunction against the defendants. There has been a settlement arrived at between the plaintiffs and defendant no. 48. In view of such settlement, there is no subsisting dispute between the plaintiffs and defendant no. 48 in respect of certain suit property and the plaintiffs have no claim against the said defendants with regard to unit case no. 294 survey no. 13, Hissa No. 7A, area 0-09-4 and survey no. 54, Hissa no. 2+10A, area 0-35-2 at Owale Tal. Panvel, Dist. Raigarh which was acquired and plot no. 81, sector 7 admeasuring 710 sq. Mtr. at Pushpak Nagar, Tal. Panvel, Dist. Raigarh was allotted. The said plot was originally transferred by defendant nos. 1 to 46 to defendant no. 47 and subsequently by defendant no. 47 to defendant no. 48 the plaintiffs have no claim against defendant nos. 47 and 48. The plaintiffs have prayed for deletion of aforesaid properties and also for deletion of defendant no. 47 and 48 from array of parties.

3. Defendant no 48 contended that, there has been a settlement arrived at between plaintiffs and defendant no. 48 regarding the suit property and defendant no. 48 has no objection to allow the present application. Defendant no. 49 resisted this application contending that, defendant has objection to the application and the reliefs sought therein.

4. Ld. Counsel for plaintiffs submitted that, there is an urgency in the present matter and Status-quo application is pending. There has been a settlement arrived at between plaintiffs and defendant no. 48 in respect of unit case no. 294, survey no. 13, Hissa no. 7A, survey no. 54, Hissa no. 2+10A at Owale, Tal. Panvel, Dist. Raigarh which was acquired and plot no. 81, sector no. 7 at Pushpak Nagar, Tal. Panvel, Dist. Raigarh was allotted. He further submitted that, plaintiffs have no claim against defendant no. 47 and 48. Therefore, aforesaid property and defendant no. 47 and 48 be deleted from the present suit.

5. Ld. Counsel for the defendant no. 48 submitted that, there has been a settlement between plaintiffs and defendant no. 48 and defendant no. 48 has no objection to allow the application. Ld. Counsel for defendant no. 49 submitted that, defendant has objection to the application and the reliefs sought therein.

6. On perusal of record and considering the arguments advanced by the parties it reveals that plaintiffs have filed the present suit seeking declaration, partition, cancellation of lease agreements dtd. 05/07/2022 and 20.08.2024, cancellation of tri-partite agreements dtd. 03.05.2024 and 19.03.2024 and for a

perpetual injunction. Plaintiff have filed present application to delete the property and also for deletion of defendant no. 47 and 48. Proposed amendment will not change the nature of the suit and not cause any prejudice to the defendants. For deciding the case on merit and in the interest of justice, I pass following order.

ORDER

1. Application is allowed.
2. Plaintiffs are permitted to delete the property as prayed and to delete defendant nos. 47 and 48 from the array of parties.

Panvel
Date : 25/06/2025

sd/-
(A.S. Badgular)
2nd Jt. Civil Judge Senior Division,
Panvel.