

ORDER PASSED BELOW APPLICATION EXH. NO.25

(Passed on this 15th Day of **September**, 2017)

01] The plaintiff made this application on affidavit under **Order VI Rule XVII of Civil Procedure Code, 1908** for amendment of plaint by insertion of paragraph No.07(a) to 07(c), 15(a) and prayer clauses (aa) and (ab) concerning situation of suit property in the year 1991 and its sale by the defendant No.02 to 04 in favour of defendant No.01 and prayer concerning voidness of the sale between the defendants and deletion of paragraph No.15.

02] Perused the application. Defendants did not filed say.

03] Heard Ld. Adv. Mr. Mohandas for the plaintiff and Mr. M. N. Shinde and Ld. Adv. Mrs. Manohar for the defendants.

04] The plaintiff in the plaint paragraph No.05 has mentioned that, Survey No.227/9 and Survey No.227/1 is one and the same property.

05] The plaintiff in paragraph No.06 of the plaint has averred about the agreement dated 08.06.2009. Now the present application is made with a view to explore the facts concerning Survey No.227/9 and declaration in respect of sale agreement dated 08.06.2009. The plaintiff is praying for declaration that, Survey No.227/9 and 227/1 is one and the same so also agreement dated 08.06.2009 executed in favour of defendant No.01 by defendant No.02 to 04 is not valid. Thus, the proposed amendment is within the scope of amendment of pleadings. If such amendment is allowed then it will avoid multiplicity of proceedings, it will help to decide the dispute once for all. If such amendment is allowed then the nature of suit will not be changed. In the result following order will meet the ends of justice.

ORDER

01] The amendment application **Exh.No.25** is partly allowed.

02] The plaintiff is allowed to amend the plaint by adding para No.07(a) to 07(c), 15(a) and prayer clauses (aa) and (ab).

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03] Prayer to delete paragraph No.15 is rejected.

04] Costs in the cause.

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(Subhash L. Phule)
(MH. RG. 0009 - 2125)

Place : Roha. Civil Judge Junior Division, Roha.
Date : 15.09.2017. District Raigad.