

MHRG110021002015



Order below Exh.45 in RCS No.141/2016.

1. By this application, the plaintiff have sought for amendment in the plaint under order VI rule 17 and addition of parties under order -I Rule 10 of C.P.C.

2. It is averred that the suit is for partition. The defendant Nos. 1 and 2 sold their share in favour of their wife namely, Ranjana Ramji Kadam and Sakshi Sakharam Kadam by virtue of sale deed no.4246 dated 29/12/2016. So, the necessary amendment in that connection as prayed for coupled with addition of the wife of the defendant Nos.1 and 2, said purchasers as defendants in the present suit and consequential amendment in the plaint is asked for.

3. The application is resisted on behalf of the defendant nos.1 to 7. It is submitted that the application is false and time barred. If application is allowed it would change the nature of suit. Plaintiff has sought two reliefs in one application. Hence, application deserve to be reject.

4. Perused the relevant record. Heard both sides.

5. Considered the facts and circumstances of the case. The law is well settled that the court should not go into merits of the application of the amendment. The application is supported by

affidavit of the plaintiff. The copy of sale deed no. 4246/2016 is produced on record.

6. Considering the above said facts and circumstances of the case, the proposed amendment and addition of the wife of defendant Nos.1 and 2, said purchasers as defendants in the present suit and consequential amendment in the plaint is just and necessary for the adjudication of the matter on merits. It would not change the nature of the suit nor it would cause any prejudice or loss to the defendants. Though the plaintiff have sought two prayers in one application, but in the interest of justice application deserve to be allowed for the final adjudication of matter on merits. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The plaintiff to carry out the necessary amendment on or before the next date.

Sd/-

Mangaon

(M. S. Pathare)

Date: 06/10/2023.

^{3rd} Jt. Civil Judge, Jr. Division,
Mangaon.