

Order passed below Exhibit 73 in RCS No. 111 of 2012

Haribhau Tukaram Patil

Plaintiff

v.

Janardhan Dhaya Joshi & others

Defendants

1. The plaintiff has filed this amendment application and submitted that defendants have sold the suit property to Chauhan Infra Developers LLP, through their partner i.e. Chandrabhushan Mansingh and Avinash Kumar Singh on 30.05.2023. Therefore, the present amendment has been sought.
2. The defendants have objected stating that the interim application of the plaintiff has been rejected. The present application has been filed to delay the trial. Through this amendment, plaintiff is seeking various reliefs. Therefore, the application may be rejected.
3. Considering the application and say, following points arise for my determination and I record my findings thereon.

Sr. No	Points for determination	Findings
1	Whether the proposed amendment needs to be allowed ?	Yes
2	What Order ?	Application is allowed

::Reasons::

Point No. 1 and 2 : Both the points, being inter-related, are being dealt together.

4. Heard the Ld. Advocate for the plaintiff and defendants.

5. It has been contented that the suit property has been sold to Chauhan Infra Developers LLP via Chandrabhushan Mansingh and Avinash Kumar Singh. It has not been specifically contented that the suit property has not been transferred. The rights of the third party have been created. To adjudicate the case effectively, this amendment needs to be allowed.
6. The subsequent events that occur during the pendency of the suit needs to be brought on record. If such developments are not brought on record, it will lead to multiplicity of proceedings.
7. Considering the above fact, it is necessary for the purpose of determining the real question in the controversy between the parties. If the amendment is not allowed it will lead to multiplicity of proceeding. If the amendment application is allowed, no prejudice would be caused to any one.
8. Therefore, it is necessary to allow the application to enable the court to adjudicate upon and settle all the questions involved in the application. Hence, I answer **point no.1 in affirmative** and in **answer to point no.2**, accordingly, I proceed to pass the following order:

ORDER

1. Application at Exhibit 73 is allowed.
2. The plaintiff shall carry out the amendment as stated in Exhibit 73 within 14 days from the date of this order and then place amended application and it's copies on record.

3. No order as to costs.

Place : Uran
Date : 25.09.2024

(Ms. G.K.R. Tandon,
Jt. Civil Judge, Junior Division
Court No.2, Uran