



Order Below Exh.14
(In R.C.A. No.270/2019)

1. Application is filed by Appellant for amendment in appeal.
2. Say of other side was called upon. As say is not filed, application proceeded without say by order dt.17/08/2023.
3. Heard.
4. Perused record. Points for determination along with my findings thereon are as follows.

Sr. No.	Points	Findings
1	Whether proposed amendment is required for just decision of case?	Yes.
2	Whether leave should be granted to amend application?	Yes.
3	What Order?	Application is allowed.

:: REASONS ::

AS TO POINT NO. 1 & 2

5. Present appeal is filed by Appellant against judgment and decree dt. 14/10/2014 in R.C.S. No.58/2012. As per Appellant, defendant No.1 during pendency of appeal has transferred suit property to Srushti Buildmat Pvt. Ltd. by registered sale deed dt.30/06/2017. In support of application, applicant has placed on record 7/12 extract of suit property, Mutation Entry No.851



dt.07/07/2017 & Index-II in respect of that sale deed. These documents shows that suit property is transferred to Srushti Buildmat Pvt. Ltd.

6. If nature of amendment & facts and documents placed on record are considered then proposed amendment is essential for just decision of the case as well as for effectual & complete adjudication so that all questions involved in the suit can be settled. Proposed amendment is not unwarranted. Considering these facts and for aforesaid reasons, I pass following order.

:: ORDER ::

1. Application is allowed.
2. Appellant is directed to carry out amendment envisaged in Exh.14 in appeal memo as well as in original plaint in R.C.S. No.58/2012 within 14 days from the date of passing of this order.
3. Appellant is directed to file amended copy of appeal memo.

Panvel
Date :- 09/05/2024

(S. C. Shinde)
District Judge-3, Panvel
Dist.-Raigad