

ORDER BELOW EXH. 93

1. After so many hiccups somehow matter reached at the stage of evidence and then present application is filed for amendment of plaint, mainly seeking impleadment of certain properties and parties in the suit on the ground that the objection in the written statement is raised regarding the non-joinder of parties and properties. So also the proposed amendment is necessary and without joining these parties and properties effective adjudication of controversy is not possible. Other side objected to it stating that there is tremendous delay in filing this application. This delay is not explained. Impleadment will result in further protracting the matter.

2. Heard both the sides. Their submissions are in tune with their respective contentions. The suit is for partition and separate possession. The joinder of all the parties and properties is basic requirement of such a suit. No doubt there is tremendous delay in filing of this application. But without amendment effective adjudication of the lis is not possible. Therefore, amendment is necessary. The other side is not going to prejudice in any way. Their concern can be compensated to some extent in terms of costs. Considering these facts and circumstances, following order -

ORDER

A. Application is allowed subject to cost of Rs.2000/- (Rs. Two Thousand Only), to be paid to defendants within a week from today and condition that plaintiff shall take steps to get serve the suit summons on proposed legal heirs by R.P.A.D. within 14 days from today.

B. Plaintiff shall further carry out necessary amendment and file amended plaint with its one additional copy within 14 days from today.

Sd/-

KUDAL

(KOMALSING RAJPUT)

DATE – 24 /01 /2017

C.J.J.D., KUDAL, DIST.SINDHUDURG