

**ORDER BELOW EXHIBIT 154 IN REGULAR CIVIL SUIT**  
**NO. 14/2012**

CNR No. MHSI07-000036-2012

This is a suit for declaration, injunction and in the alternative for possession of the suit property. The present application is filed by plaintiffs Under O.VII Rule 17 of C.P.C. for amendment of the plaint.

**02.** Perused application and say. Heard both sides.

**03.** It is submitted by the plaintiff through his advocate that, the suit was filed by him in hurry as defendants 1 and 2 were about to carry out construction to the suit property. The plaintiff noticed that some important facts were left when he gone through his affidavit minutely. The plaintiff has stated in the plaint that Anusaya Sambhaji Angane had a sole daughter namely Kusum. However, in fact Anusaya has also another daughter Ladubai, after marriage Wanmala Abaji Sawant who is dead and her children being LR's have rights in the suit property. LR's of deceased Wanmala have not been added as parties to the suit. They are necessary party to the suit. As such, the plaintiff has prayed for amendment in the plaint by way of deletion of some contents of para no. 3 and by way of addition of some contents in the same para. The plaintiff has also prayed to amend contents of para no. 1, para no. 4 by way off addition of some contents.

**04.** Defendants through their advocate have strongly

objected the application and submitted that application is not tenable. The suit is filed in the year 2012. No reason is mentioned as to why the proposed contents were not added in the plaint earlier. The plaintiff had knowledge since beginning about the daughters of deceased Anusaya. The application is filed after thought when some facts were brought to the notice of the Court by defendants advocate during his argument. The application is filed to fill up lacuna which is unjust to defendants.

**05.** The suit is filed in the year 2012 and period of about 11 years have elapsed but the proposed amendment were not carried out by the plaintiff earlier and reason is also not given in that respect. If the application is allowed, it will cause prejudice to the defendants which will also change nature of the suit. Thus, defendants have prayed to reject the application.

**06.** It is pertinent to note here that, the plaintiff is allowed to add necessary parties to the suit. It is further pertinent to note that proposed amendments sought by way of addition and deletion are with respect to proposed defendants 9 to 11. The plaintiff has also prayed to delete one sentence which was made in respect of his sole ownership over the suit property. However, such deletion or addition of contents in the plaint does not amount to withdrawal of any admission given in the plaint. Even though affidavit of evidence is filed on record but, the question of addition of necessary party is also involved in the present matter, therefore, the bar of proviso clause of O.VI R. 17 will not attract in this matter.

07. Considering oral facts and circumstances available at present, it would be just and proper to allow the plaintiff to amend the plaint subject to Cost of Rs. 1000/- payable to defendants.

**-: ORDER :-**

1. Application is allowed subject to Costs of Rs. 1000/- (One Thousand only) payable to defendants.
2. The plaintiff is permitted to carry out amendment in the plaint as prayed.
3. The plaintiff is directed to comply.
4. Necessary formality be followed by the plaintiff accordingly.

Date : 05/10/2023

Amardeep D. Tidke

Place : Malvan.

Civil Judge Junior Division, Malvan.