



CNR NO. MHSI07000612015

Order passed below Exh. No.80
(I.A.No.4/2024,) in R.C.S No. 14/2015

The present application is filed under Order 1 Rule 10 alongwith Order 6 Rule 17 of the Code of Civil Procedure (hereinafter in short referred as C.P.C.)

2. The plaintiff has contended that earlier the plaintiff has filed the application to add the defendant no. 12 in the present suit. Accordingly, the defendant no. 12 is added in the present suit. He has filed the written statement at Exh.73 contending that his brother Ganpat, Dinesh and sister Nirmala, Naina and Sarita are not added in the present suit, Therefore, it is prayed that sibling of the defendant no. 12 be added as defendant no. 13 to 17 and allow to carry out consequential amendment in para no. 4, 6, 7, 9 and 12.

3. The defendant no. 12 has resisted the application by filing say at Exh.81. It is contended that the application is preferred to prolong the matter. No cause of action arose to file the present application. Therefore, prayed to reject the application.

4. Heard both the parties. Both the parties have reiterated the contents of the application and say. The present suit is filed for declaration of ownership, removal of encroachment and restoration of possession. The defendant no. 12 has filed the

written-statement at Exh.73. The defendant no. 12 has contended that he is having two brothers namely Ganpat, Dinesh. The defendant no. 12 also contended that he is also having three sisters namely Nirmala Sakham Vengurlekar, Naina Sakham Vengurlekar and Sarita Sakham Vengurlekar. It is also contended that they are having ownership and possession over the suit property. As the present suit is filed for declaration, removal of encroachment and restoration of possession, the presence of proposed defendant no. 13 to 17 are necessary to decide the controversy involved in the present suit. Therefore, the presence of the defendant no. 13 to 17 are necessary. Moreover, the amendment sought by the plaintiff is of formal in nature. It will not change the nature of the suit. Therefore, the application filed by the plaintiff is liable to be allowed. Accordingly, I pass following order.

ORDER

1. The application at Exh.80 is hereby allowed and plaintiff is permitted to add proposed defendant no. 13 to 17 as defendants and carry out proposed amendment.
2. The plaintiff shall carry out amendments on or before the next date from the date of order and provide amended copy of the plaint to the defendants free of Costs.

(Pronounced and dictated in open Court.)

Place : Malvan
Date : 03/10/2024

Mahesh R. Devkate
Civil Judge Jr.Dn., Malvan.