

Order Below Exh. 33 in Regular Civil Suit No. 149/2022

1. This application is filed by plaintiff for amendment in the plaint.

2. Proposed amendment is that plaintiff intended to implead defendant no. 3 Shailaja Prakash Patil as defendant in the suit. Further, plaintiff also intended to state all the allied allegation and pleadings in connection with defendant no. 3 i.e. Shailaja Prakash Patil in the suit.

The suit is for permanent injunction to restrain defendant no. 2 from carrying out construction in the suit property. But when defendant no. 2 filed written-statement, proposed defendant no. 3 Shailaja Prakash Patil is now necessary party in the suit. According to the contents of written-statement of defendant no. 2, first floor of the suit property and one half share in plot no. 76 is owned by proposed defendant Shailaja Patil. Building construction license is also issued in the name of Shailaja Prakash Patil. The said construction is the subject matter of suit. There is mutation in the name of Shailaja Patil on 13.06.2022 on the extract of suit property.

Now, the say is filed by defendant no. 2 at Exh. 38. It is stated in the say that plaintiff is aware about one half share of Shailaja Patil in the suit property since 1987. In my view, to avoid multiplicity of proceeding and complication in the matter, Shailaja Patil is necessary party in the suit. To sum-up, I pass following order.

ORDER

1. Application is allowed.

2. Plaintiff shall implead Shailaja Patil as party defendant no. 3.
3. Plaintiff is permitted to carry out all the amendment stated in the application with immediate effect.
4. Plaintiff shall amend the plaint and shall furnish fresh copy of plaint alongwith copy for defendant.

Sangli.

Date : 27/06/2022

Sd/-

(Vivek V. Kulkarni)

5th Joint Civil Judge, Senior Division,

Sangli.