

MHSN020032782024	<u>ORDER BELOW EXH. NO. 50 IN R.C.S. No. 353/2024</u>
	Jagannath Hindurao Patil & Ors. Vs. Chandrakant Kedari alias Babaso Patil & Ors.

The present application is filed under Order 1 Rule 10 read with Order 6 Rule 17 of Civil Procedure Code.

02. Perused the application and say filed. Perused the record and heard both sides.

03. It is the contention of the applicant that, the present suit was filed for declaration, possession and permanent injunction in respect of the suit properties. The defendants appeared, however some of them didn't file say and therefore no say order was passed against them. The defendants no. 1 to 5/1, 5/2, 6 and 8, knowing the pendency of said suit sold the suit property to the proposed defendants vide registered sale deed on 14.01.2026. Therefore, these two persons need to be impeded in the present suit as a defendant no. 9 and 10. Similarly, due to the subsequent change in circumstances prior to said sale deed and afterwards, the pleadings in the plaint need to be amended and accordingly the plaintiff has given the proposed amendment after para no. 5 as 5/A and in prayer clause. Therefore, the plaintiff prayed that, for just and fair decision of the case and considering this change in circumstances this application needs to be allowed as prayed.

04. Whereas this application is strongly objected by the proposed defendants by filing say and stated that, the contentions in the application are false. The sale deed executed on 14.01.2026 was after following due procedure and after taking its time as required in law. Therefore, the contentions in the application and argument thereon are false. Therefore, this application be rejected.

05. Upon the perusal of present suit it appears that, the suit came to be filed on 27.09.2024. Thereafter, the defendants no. 1 to 5/1, 5/2 and 8 appeared and didn't file say. Therefore, no say order passed against them on 27.10.2025. The plaintiff deleted the defendants no. 6 and 7 by the order passed on the application below Exh. 44 on 02.01.2026. Thereafter, the defendant no. 1 to 5/1 and 5/2 and 6 alongwith 8 sold one of the suit property to the proposed defendants vide registered sale deed during the pendency of this suit. Considering this fact I am of the opinion that, the proposed defendants are the parties having interest in the suit property and therefore, they are necessary party for the present suit. Therefore they are required to be added as the defendants no. 9 and 10. Similarly, the amendment sought after para no. 5 of the suit and in the prayer clause is necessary for the just and fair decision of the case. The amendment sought is in respect of declaration sought by the plaintiff is in respect of the cancellation of the sale deed of the proposed defendants and the pleadings for it. The amendment sought is within limitation. Therefore, the reliefs sought by the plaintiff under Order 1 Rule 10 and Order 6 Rule 17 of C.P.C. is the

apt for the changed circumstances due to the subsequent sale deed with the proposed defendants. In result above discussion, I am inclined to allow this application with following directions-

ORDER

1. The application is allowed.
2. The proposed defendants be added as the defendant no. 9 and 10 and amendment be carried out as prayed after para no. 5 of the plaint within 14 days from the date of this order.
3. The plaintiff is directed to correct the Court fee if any.

Date:- 04.05.2026.
Sangli.

(Rohini S. Patil)
Jt. Civil Judge, (Jr.Dn.),
Sangli.