

ORDER BELOW EXH. 112 IN RCS No. 11/2012

1- The plaintiff has filed present application under order 01 Rule 10 sub-clause 2 along with Section 151 of Code of Civil Procedure. It is the contention of plaintiff that during pendency of suit defendant no.3 has sold out land gat no. 88 admeasuring 41-R to Kuldip Ganpati Patil and Sharad Maruti Patil vide sale deed dated 02.06.2017. Now, the plaintiff wants to claim relief as to said sale deed is not binding upon her share and she also wants to add purchaser as defendant no.22 and 23. Lastly, prayed that application be allowed.

2- Defendants have failed to file their say till today. Hence, application is proceeded without their say.

3- On perusal of application, plaint and written statement, it shows that issues are framed at Exh.109 on 03.01.2018 thereafter, the plaintiff has filed amendment application (Exh.104) and same was allowed on 14.02.2018 subject to cost of Rs.200/-. In the said application the plaintiff has added defendant no.14 to 21. Exparte order passed against defendant no.14 to 21 on 24.08.2018. Thereafter, the matter is posted for hearing on 05.09.2018. On the same day, the plaintiff has filed present application (Exh.112). On perusal of copy of sale deed, it shows that the disputed transaction occurred on 02.06.2017.

The plaintiff has obtained certified copy of said sale deed on 11.07.2017. it shows that she is having knowledge of said sale from 11.07.2017. However, she has filed present application after lapse of one year. She has not stated any reason why she has filed present application after lapse of one year. The suit is pending since 21.12.2001. This conduct of the plaintiff shows that she is having intention to prolong the matter unnecessarily. However, in the interest of justice and in order to decide the matter on merit, application is required to be allowed subject to heavy cost. Hence, I pass following order.

ORDER

1. The application Exh. 112 is allowed subject to cost of Rs.1000/- (Rs.One thousand).
2. The plaintiff is permitted to carry out necessary amendment for adding Kuldeep Ganpati Patil and Sharad Maruti Patil as defendant no.22 and 23 within 10 days from the date of this order.
3. Cost be paid to Legal Service Authority within ten days.

Place : Kavathemahankal
Date : 20/12/2018
Kavthemahankal.

Sd/..
[Manoj C. Nepte]
Jt. Civil Judge Junior division
Kavthemahankal.