

MHSN080011172023



**Order below Exh.18 in RCS 208/2023
Monappa Sonar Vs Ishwar Sonar**

This Court has issued ad-interim order on 25/06/2025 in favor of the plaintiff, wherein due to inadvertance instead of defendants 1 to 5, defendants 4 and 5 came to be mentioned.

2 Defendant 1 has sold out the suit property by way of a register sale-deed in favor of one Ambaji Digambar Pawar on 18/09/2025 for valuable consideration. The sale-deed is produced on the record. The suit property 3 is subject matter of the sale-deed. Defendants 2 and 3 though appeared through their learned advocate on 30/07/2025 failed to file say/written statement. The defendant 1 is party to the proceedings, who failed to contest the suit. The execution of sale-deed by defendant 1 certainly an apprehension. The interim injunction application was filed on 25/06/2025 and thereafter, interim injunction application below Exh.22 was also filed on 16/07/2025. Prima facie, the status of the other properties is uncontested. To avoid prejudice further multiplicity at the instance of defendant 1 and other defendants (excluding the newly added defendant) since, there is no prayer against the newly added defendants, it would be just and proper to restrain futher alienation and particularly respect of the other properties and more particularly the observations in para 6 of the order below the instant application dated 25/06/2025 for limited period. Hence, the following

Order

1 The defendants 1 to 5, their agents, servant, attoney or anybody claiming through them are hereby restrained from creating a third party right, title, and interest in the suit property more particularly para 1 of the plaint, in any manner what so ever, till next date.

2 The plaintiff to comply Order 39 Rule 3 of the Code of Civil Procedure, 1908.

3 The plaintiff to serve an intimation of the instant order on the defendants 1 to 5 via RPAD and filed on record service affidavit.

Jath
Dt 19/11/2025

(Sanjay P. Bunde)
Jt CJJD, Jath

MHSN080011172023



**Order below Exh.27 in RCS 208/2023
Monappa Sonar Vs Ishwar Sonar**

The application is for amendment under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (the C.P.C).

2 Perused the application, say, and the record.

3 Heard.

4 The suit is for partition, and consequential reliefs. None of the defendants contested the earlier interim injunction either below Exh.5 or Exh.18.

5 The application is premised on the ground, that during the pendency of the suit defendant 1 Ishwar, has sold the suit property to one Ambaji Digambar Pawar vide a register sale-deed bearing No.6000/2025 dated 18/09/2025 and therefore, the purchaser has to be added as a party, and consequential amendment in the plaint by way of para 4A, the subsequent event, cause of action, and prayer etc., have to be amended.

6 The application is opposed on the ground, that there is separation of the shares and therefore, the application is and misconceived without any cause. Hence, it prayed that the application may kindly be rejected.

7 The following points arose for my determination to which I record my findings together with the reasons thereof.

Sr.No	Points of determination	Findings
1	Does the plaintiff prove that the proposed amendment, is necessary for deciding the real controversy between the parties under Order 6 Rule 17 of the C.P.C?	Yes
2	What order?	As per the final order

Reasons

Point 1

8 It is settled law that amendment of pleadings has to be liberally allowed at pre-trial stage, for the facts may be said not to be covered by proviso to Order 6 Rule 17 of the CPC.

9 The suit has been filed on or about 12/07/2023. A copy of the sale-deed, has been produced on the record, thereby defendant 1, with the consent of his wife, has sold a part of the suit property to the proposed purchaser on 18/09/2025. This is a subsequent event having direct bearing on the final out cum of the proceedings. The proposed amendment, is necessary for deciding the real controversy between the parties. The presence of the proposed defendants is also necessary for complete adjudication right of the parties either as necessary or proper parties. Accordingly, the point for determination is answered. Costs follows the event. Hence, the following

Order

The application is allowed.

2 The plaintiff to carry out the proposed amendment forthwith, and file on record duly amended copy within 14 days from today.

3 Costs in the cause.

Jath

Date:19/11/2025

(Sanjay P. Bunde)

Jt.C.J.J.D, Jath