

**Order below Exh.30 in Regular Civil Suit No.143/2017.**  
**(CNR-MHSN09-000923-2017)**

1. Perused application, say of the defendant and record of the case. Heard respective counsels of the parties.
2. Present application is filed seeking amendment by way of adding one more defendant.
3. The defendant strongly objected the application on the ground proposed defendant is not necessary party to present suit. Plaintiff not claim any remedy against proposed defendant hence not necessary to add him as party to this suit. Hence, he prayed for rejection of application.
4. After hearing rival contentions, it appears that the plaintiff came to know about the details after filing of Written Statement. In para 11 of W.S. he specifically stated that proposed defendant is co-owner in Gat No.2034/1, hence necessary to join him as party to the suit and also submitted documents in revenue proceeding in which shown that proposed defendant was also party to the proceeding. If plaintiff was not joined him as party then, suit will bar by non joinder of necessary party. Hence, plaintiff filed present application. The plaintiff seeks amend to add these person as defendant. Plaintiff claims that this amendment is necessary in order to avoid any technical difficulty in the suit in future.
5. It seems the proposed amendment will enable the court to determine the real question of controversy between the parties. As the present suit is for declaration and injunction, the proposed amendment will help the court to identify and decide the real controversy between the parties. Defendant also in his w.s. in para 11 stated that suit is

barred by non joinder of necessary parties if not joined proposed defendant as party to the suit. Hence, proposed defendant is necessary party to the suit and hence need to be added. No new case is likely to be introduced nor the nature of suit is going to be changed if the amendment is allowed as the suit, even after the proposed amendments, will be suit for declaration and injunction. Moreover, no prejudice will be caused to the defendants as they are at liberty to file Additional Written Statement, if any, to answer these amendments. In view of this discussion, and considering the legal provisions, the application deserves to be allowed. Hence, the order :

**:: O R D E R ::**

1. The application at Exh. 30 is allowed as prayed for.
2. The plaintiff to carry out necessary amendments in the original plaint.
3. Issue notice to the proposed defendant.

**Tasgaon.**

Date : 21.02.2018.

Sd/-xxx

(Sou.T.S. Mahadik)

2<sup>nd</sup> Jt. Civil Judge, Junior Division

**Tasgaon.**