

ORDER BELOW EXH. No.56

This is an application filed by the plaintiffs under Order 1 Rule 10 and Order 6 Rule 17 read with 151 of the Code of Civil Procedure for adding proposed defendant No.9 namely Baban Suresh Babar, R/o.Gardi, Tal.Khanapur, Dist.Sangli. The proposed amendment is necessary for fair adjudication. Hence, prayed for grant of application.

02. Per contra, defendant No.1 filed his say at Exh.61 and defendant No.5 to 8 filed their say overleaf of the instant application. They denied and opposed the whole contents of instant application in toto. They contended that proposed amendment is not necessary. Hence, they urged for rejection of this application.

03. Perused record. Heard ld. Counsel on behalf of plaintiffs and defendants. Instant suit is for partition, separate possession and for injunction. As per the contentions of plaintiffs on affidavit that during pendency of the suit defendant No.1 sold suit property to proposed defendant No.9 on 12.07.2021. Therefore, proposed amendment is necessary for adjudication of real controversy between the parties. Therefore, no prejudice would be caused to other side if instant application will be allowed for bringing truth and fair adjudication in view of Order 1 Rule 10 and Order 6 Rule 17 read with 151 of the Code of the Civil Procedure. Hence, I proceed to pass the following order;

ORDER

1. Application at Exh.56 is hereby allowed in the interest of justice.
2. The plaintiffs shall comply the order within stipulated period.
3. The plaintiffs shall file amended plaint on record and supply copy of amended plaint to other side without fail.
4. The in-charge of C.I.S. shall take note and comply the order in C.I.S.

Vita.
Date: 19.11.2024.

(M.Sharique A.U. Rahman)
Jt.Civil Judge Jr. Dn., Vita,
Tal. Khanapur, Dist-Sangli.

R.C.S.No.29/2021
(Shubhangi &Ors. Vs. Subhash & Ors.)

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- S.V.Gaikwad,
Name of the Court :- M.S.A.U. Rahman,
Jt.Civil Judge Jr. Dn., & J.M.F.C.,
Vita. Tal:-Khanapur.
Date of decision :- 19.11.2024
Order signed by P.O. on :- 19.11.2024
Order uploaded on :- 22.11.2024.