

ORDER BELOW EXH.28

IN

R.C.S.No.5 of 2021

(I A No. 4 /2021)

This is an application for amendment by the plaintiff.

2] It is submitted by the plaintiff that the defendants have created third party interest in the suit property. Therefore, now the plaintiff has claimed amendment that said sale deed be declared void.

3] The application is challenged on the ground that it is false and not maintainable. It is stated that suit is itself false. Hence, the application is not maintainable. It is also submitted that the plaintiff has no right to file the suit as well as amendment application. Hence, it be rejected.

4] Heard learned advocates for the parties. Perused the record. It is admitted position that sale deed has been executed during the pendency of the suit. It is also admitted position that the alleged sale deed has been executed in between defendant. Therefore, the proposed amendment is relating to fact which occurred during the pendency of the suit. Whether the plaintiff is having locus to file the suit or not whether the suit is maintainable or not etc., can be determined at the time of trial only.

5] At this stage the merits in the contentions in amendment application can not be tested as true or false. The amendment application is filed diligently and even Exh.5 T.I. application is yet not decided. Therefore, considering the fact occurred during the pendency of the suit amendment deserves to be allowed. Hence, following order is passed.

ORDER

1. The application is allowed.
2. Plaintiff shall carry out amendment in the plaint and shall submit amended copies.
3. The plaintiff shall also pay necessary Court fee stamp for the concerned prayer added by the amendment.

Pandharpur
Date:-05.03.2021

Sd/-
(M.R.Jadhav)
Civil Judge Sr. Div.Pandharpur

CERTIFICATE

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 05-03-2021

Order/Judgment signed
by the Presiding Officer on : 05-03-2021

Order uploaded on : 05-03-2021