

Order below Exh. 32 in R.C.S.No. 193/2012
(CNR No. : MH5006-000230-2012)
I.A.No. 3/2019

1. This is an application for amendment.
2. Perused the application and say on it. Heard learned advocates for the parties.
3. It is submitted by the application that the plaintiff no.2 has died on 25.12.2018. He has legal heirs as his wife and children. Hence, those are necessary parties for the suit. Therefore, those be taken on record by amendment.
4. The application is strongly opposed on the ground that it is not tenable and filed intentionally to prolong the matter. The plaintiff was very well aware about the death, but prolonged the matter. Therefore, application be rejected.
5. The suit is for partition and separate possession. It is settled law that regarding partition all the necessary parties should be joined in the suit for partition. If all necessary parties are not jointed, then there will be technical bar to the suit. It is impossible to determine the suit on merits without there being all necessary parties on record. Therefore, it is also in the interest of justice that all the legal heirs should be joined by amendment.

6. The amendment does not change the nature of suit. It is necessary to avoid multiplicity of proceeding. Hence, following order is passed.

ORDER

1. The application Exh. 32 is allowed.
2. The plaintiff shall carry out amendment till next date in the plaint and shall file amended copies of plaint.

(*M. R. Jadhav*)
Civil Judge, Sr.Division
Pandharpur.

Date: 22.11.2019.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

a	Name of the Stenographer	:	Shri. R. R. Gunhal
b	Court	:	<i>Civil Judge Senior Division Pandharpur</i>
c	Date of Judgment	:	22.11.2019.
d	Judgment signed by P.O. On	:	22.11.2019.
e	Judgment uploaded on	:	25.11.2019.