

**ORDER BELOW EXHIBIT-17 IN R.C.S.No.16 of 2018**

Plaintiff No. 2 has filed this application under Order VI Rule 17 of the Code of Civil Procedure seeking permission to amend the plaint.

2. It is stated that, during the pendency of the suit, defendant No. 1 executed the sale deed of suit property 1-B ad-measuring 00.11R in favour of one Shrikrushna Shahu Gaikwad vide sale deed No. 298/2018. Therefore, plaintiff prayed that, it is necessary to add Shrikrushna Shahu Gaikwad as defendant No.5 in the suit and also prayed for amendment for adding the paragraphs mentioned in the application which is relevant to the suit. Hence, he prayed amending the plaint.

3. Defendant Nos. 1 to 4 have filed the say on the said application and stated that, the suit is for declaration. After oral partition the said property was given to the defendant No. 1 and defendants are admitted that, defendant No. 1 has sold the said 0H. 11R. land to the Shrikrushna Shahu Gaikwad. Defendants are denied the other contents in the application. If the said amendment is allowed it will change the nature of the suit. Hence, prayed for rejection of the application.

4. Perused application and say. It reveals that, the amendment with respect to addition of the purchaser i.e. Shrikrushna Shahu Gaikwad as defendant No. 5 is relevant and necessary for the just decision of the suit. Also the proposed amendment contains the para 4 & 9-A mentioned in the application which is relevant. Hence the above amendment is necessary for just decision and for deciding shares of the respective parties. Accordingly, I pass the following order:-

**ORDER**

1. Application is allowed subject to cost of Rs.200/- be given to the defendants.
2. Plaintiff is permitted to carry out the amendment as prayed.

Date : 09/12/2021

( J. A. Zari )  
Jt. Civil Judge (J.D.),  
**Barshi.**

**C E R T I F I C A T E**

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

|     |                                   |   |                                              |
|-----|-----------------------------------|---|----------------------------------------------|
| (a) | Name of the Stenographer          | : | B.B.Salvade                                  |
| (b) | Court                             | : | J.A.Zari,<br>Jt.C.J.J.D.&J.M.F.C.<br>Barshi. |
| (c) | Judgment /Order signed by P.O. on | : | 09/12/2021                                   |
| (d) | Judgment /Order uploaded on       | : | 09/12/2021                                   |