

ORDER BELOW EXHIBIT-22 IN R.C.S.No.283 of 2018

Plaintiff 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, the suit is for injunction. Due to illiteracy of plaintiff and his mother their names were not mutated on the suit property. Defendants are legal heirs of Shankar Gajendra Sagar. After the death of Shankar names of present defendants were mutated on the suit property. During the pendency of the suit on 12/04/2021 defendants have mutually partitioned the suit property with mentioning four boundaries. Then, on 23/06/2021 defendant No. 3 has executed the registered sale deed of her share ad-measuring 70R in favour of Onkar Shashikant Chikne. Hence, prayed for adding contents with respect to the addition of the name of Onkar Shashikant Chikne and also contents mentioned in the application.

3. Defendant filed the say on the said application and strongly objected the amendment by stating that, the application is false and illegal. Plaintiff was never in the possession as owner over the suit property. Plaintiff has filed injunction application in the suit which is illegal due to which, he had not argued yet on the said application. Defendants are the owners of suit property and they have mutually partition the suit property on 12/04/2021. Defendant No. 3 is old aged lady due to her need she had sold her share on 23/06/2021. The said fact is admitted to the defendants. Plaintiff has filed this application with intention of prolong the matter. If the said amendment is allowed the nature of the suit will be change. Hence, prayed for rejection of the application.

4. Perused application and say. It reveals that, the

amendment with respect to addition of the purchaser Onkar Shashikant Chikne. Plaintiff wants to add him as defendant No. 4 in the suit. Plaintiff has filed copy of sale deed showing the above discussed alienation i.e. sale deed number 1333/2021. Due to which, it seems that, the execution of sale deed has taken place and therefore, it is necessary to add Onkar Chikne and other contents in pursuance of the said addition as mentioned in the application. 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 : 23/02/2022

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

CERTIFICATE

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, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	23/02/2022
(d)	Judgment /Order uploaded on	:	23/02/2022