

MH50130003552014

**ORDER BELOW EXHIBIT-47**

The plaintiff moved an application for amendment of the plaint. She submitted that proposed amendment is necessary to be incorporated in the plaint. If the proposed amendment would be incorporated then nature of the suit will not be changed. The proposed amendment is necessary for just decision of the suit. Hence, prayed accordingly. Defendant No.2 filed say at Exh.50 and thereby strongly opposed the application. He submitted that the proposed amendment is not proper. It is illegal. It deserves to be rejected. Hence, prayed for rejection of the application.

02. Heard both parties. The record shows that the plaintiff has filed partition of suit properties. She also challenged the sale-deed executed by defendant No.1 in favour of defendant No.2. There is near and dear relationship between plaintiff, defendant No.1 and 3. Even also it appears that in the proposed amendment the plaintiff has challenged the compromise which is taken place between defendant No.2 and 3 in R.C.S. No.415/2015. When the present suit is filed for partition of suit properties, during pendency of the present suit, defendant No.2 and 3 filed Civil suit bearing No.415/2015 which compromised by them then the proposed amendment is necessary to be incorporated in the plaint for the just decision of the present suit

and to decide the right and interest of plaintiff in this suit properties. If proposed amendment allowed to be incorporated in the plaint then nature of the suit will not be changed. However, record shows that the alleged compromise was taken place on 05/08/2016. This application is moved on 01/09/2022. The plaintiff submitted in the application that when defendant No.2 came on suit properties in the month of June 2022 then she got knowledge of alleged compromise. These developments are after institution of the present suit which needs to be added in the plaint. So considering this, the present application deserves to be allowed. Hence, an application Exh.47 is allowed with costs. It is directed to the plaintiff to carry out the proposed amendment within 7 days from this order and furnish the copy of amended plaint on record within 7 days from carrying out the proposed amendment in Exh.1.

Barshi.
Date : 17/01/2024.

Sd/-
(S.B. Vijaykar)
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	:	S.R. Barangule
(b)	Court	:	S.B.Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	17/01/2024
(d)	Judgment /Order uploaded on	:	17/01/2024