

MHSO130019382014



R.C.S. No.1339/2014
Mangal Vs. Waman & ors.

ORDER BELOW EXHIBIT- 21

01. The plaintiff has filed the present application for amendment of plaint. By the present application, plaintiff is seeking relief for addition of proposed defendant No.4 and 5 in the suit.

02. The plaintiff contended that the defendants have filed their written statement and in that written statement they submitted that defendant No.1 is having three daughters namely Suman Deshmukh, Manisha Sathe and Savita Chavan and those are not incorporated in the plaint as a party. So to adjudicate the matter on merits, it is necessary to incorporate them as necessary party in the suit. The plaintiff is illiterate and having no information about three daughters of defendant No.1. Moreover, third daughter of defendant No1 namely Savita Chavan is dead. Her husband is also dead and she was not having any issue, so the plaintiff and defendant No.1 and 2 are her legal representatives who are already on record. Therefore, by way of the present application, plaintiff is seeking for amendment of plaint and to add proposed defendants as defendant No.4 and 5. Hence, prayed for allowing the application.

03. The defendants have not filed say to this application, hence, application is proceed without their say. Notices to the

proposed defendants were issued but in spite of service of notices, proposed defendants didn't appear, hence, application is proceed *exparte* against them.

04. Perused the record before me. Heard learned advocate of the plaintiff.

05. The plaintiff has instituted suit for the relief of partition, separate possession and *Mesne* profits against the defendants. Defendant No.1 and 2 filed their written statement at Exh.19 and in that written statement at para No.7, they have mentioned that the plaintiff has not incorporated to the daughters of defendant No.1 namely Suman Deshmukh, Manisha Sathe and Savita Chavan, so the suit is bad for non-joinder of necessary party. Considering this submission made by defendant No.1 and 2 in their written statement, the plaintiff has filed present application to incorporate proposed defendant No.4 and 5.

06. The plaintiff has filed the present suit against the defendants for the relief of partition and separate possession. Considering the nature of the suit, it is necessary to add all necessary parties in the present suit to decide the suit on merit. Proposed defendants are daughters of defendant No.1. Therefore, it is necessary to add proposed defendant No.4 and 5 and to make amendment in plaint in that regard. By allowing the application for amendment, nature of the suit will not change. If the application is allowed, then no prejudice will cause to the defendants, rather defendants have raised this question in their written statement. Considering these facts, application deserves to be allowed. The

defendants raised this question in their written statement on 29/08/2016. The plaintiff has filed this present application on 06/07/2022 after huge delay. This delay can be condoned by imposing costs upon the plaintiff. Hence, I proceed to pass following order;

ORDER

- 1) An application Exh.21 is allowed subject to costs of Rs.2,000/- (Rs. Two Thousand only) to be paid by the plaintiff to the defendants on or before next date.
- 2) After payment of costs, the plaintiff to carry out necessary amendment in Exh.1 and add the proposed party as defendant No.4 and 5.
- 3) After carrying out the necessary amendment, the plaintiff to furnish the copy of amended plaint on record.
- 4) After carrying out the necessary amendment in Exh.1, issue suit summons to the defendant No.4 and 5 for settlement of issues and for filing written statement on PF.

(Dictated and pronounced in open Court.)

Barshi.
Date : 27/06/2025.

(Smt. P.V. Raut)
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	:	Shri.S.R. Barangule
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order declared on	:	27/06/2025
(d)	Judgment /Order signed by P.O. on	:	27/06/2025
(e)	Judgment /Order uploaded on	:	27/06/2025