



**R.C.S. No.123/2024**  
**Sadashiv More Vs. Arun**  
**Gulave**  
**CNR NO.MHSO150016222024**

**ORDER BELOW EXH.26**

1. The legal heirs of plaintiff have filed this application and praying to bring the legal heirs of plaintiff namely Sadashiv Anandrao More on record and seeking amendment in the plaint as per Order VI, Rule 17 of the C.P.C.
2. Defendant has not filed his say, therefore, application is proceeded without his say on its merit.
3. Heard Ld. Advocate for plaintiff.
4. Record shows that the suit is filed against the defendant for perpetual injunction. Therefore, it is clear that the rights of the parties about the immovable property are questioned by way of the present suit. It is true that, the legal heirs of plaintiff has filed application for taking the legal heirs of plaintiff namely Sadashiv More on record within limitation.
5. As the suit is about the immovable property, it is necessary for the just and proper decision of the suit and to decide the real controversy between the parties condoning the delay and to bring the legal heirs on record. Order VI Rule 17 provided that, amendment is carried out in respect of pleadings. It is not disputed about the settled position of law that, amendment can be sought at any stage of proceeding. Plaintiff wants to amend in the plaint. Application is supported by affidavit. Further, because of this amendment no nature of suit will be changed. In order to adjudicate the matter the proposed

amendment is necessary. In the aforesaid circumstances, I am of the considered view that, in order to avoid multiplicity of proceeding and for determining the real question or controversy involved between the parties. The present proposed amendment deserves to be allowed. Consequently, I pass the following order;

**ORDER**

1. The application at Exh.26 is hereby allowed.
2. The plaintiffs shall make necessary amendment as sought forthwith within limitation as per law.

Place - Akkalkot  
Date - 21/02/2025

**(Smt. N. A. L. Shaikh)**  
Jt. Civil Judge Junior Division,  
Akkalkot.

