

ORDER BELOW EXH. 41 IN R.C.S.NO. 236/2015

Perused the application and say filed by defendant no. 1,2,4 and 5. Heard learned advocates at length. Perused all relevant documents.

This application is filed for permission to amend the plaint by bringing the L.R.'s of deceased defendant Motilal Attar on record. In support of contents of present application an affidavit is filed at Exh. 42.

Though defendant no. 1,2,4 and 5 have objected this application, on perusal of the record, it appears that this suit is filed in respect of an immovable property. It is not specifically disputed that defendant Motilal Rasul Aattar is died and persons mentioned in the application are his legal representatives. The grounds mentioned by defendant side in the say are not sufficient to reject this application. No serious prejudice will be caused, if present application is allowed. The proposed amendment will not result in change in the nature of suit. As per the order passed below Exh. 39 delay caused for bringing LR's of deceased defendant Motilal Rasul Aattar on record is condoned subject to condition to pay cost. Considering the nature of the suit, in order to settle actual controversy between both parties completely, it will be just and proper to allow the plaintiff to amend the plaint as prayed subject to compliance of order below Exh. 39. Considering all facts and circumstances, it will be just and proper to allow this application accordingly.

Therefore, in view of above discussion, in the interest

of justice, I pass the following order.

O R D E R

1. Present application is allowed in following terms.
2. The plaintiffs are hereby permitted to amend the plaint by bringing the L.R.'s of deceased defendant Motilal Rasul Aattar as mentioned in the application subject to compliance of order below Exh 39. The plaintiffs are further directed to submit requisite copies of amended plaint on record.
3. No order as to costs.

Dt. 13.02.2019

(Sachin S. Patil)
Civil Judge, J.D. Sanogla
Dist. Solapur

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	:	Kotkunde A.R.
(b)	Court	:	Shri. S.S.Patil, Civil Judge, J.D.& J.M.F.C.Sangola
(c)	Judgement /Order signed by P.O. on	:	13.02.2019
(d)	Judgement /Order uploaded on	:	13.02.2019