

Reg.Civil Suit No. 168/2012.
(CNR No. MHST05-0006962010)

Order below Exh.64.

1. Present application is moved by plaintiff for addition of proposed party as defendant by taking recourse of the Order 1 Rule 10 of the Code of Civil Procedure, 1908. Also the resultant additions in pleading and in prayer clause. Averment of plaintiff is to the effect that, during pendency of suit inspite of temporary injunction order that suit property not be alienated during pendency of suit, the defendant no.1 illegally during the pendency of suit had sold the suit property to one Rajkumar Shankar Kadam on 20/04/2018. As such, the plaintiff by way of this application intends to add said Rajkumar Shankar Kadam as defendant in present suit and also wants to amend the pleading in respect of valuation and contention that the sale deed being illegal and not binding upon the plaintiff.

2. On present application inspite of sufficient opportunity the other side has failed to file say. Perused the record. The application is supported by copy of sale deed filed vide list Exh.67 which shows that, the suit property is sold to Rajkumar Shankar Kadam on 02/08/2018. It is a fact that, sale deed is executed during pendency of suit. So, in my opinion Rajkumar Shankar Kadam being proper party needs to be impleaded in the suit. Further, the additions, the plaintiff intends consequent upon the transfer of suit property being material one and which neither changes the nature of suit nor causes any prejudice to the other side needs to be allowed in the interest of justice. Consequently,

following order.

ORDER

- 1) Application is allowed as prayed.
- 2) Plaintiff to carryout amendment and file amended copy of plaint within 14 days of this order.

Karad.

(Smt.S.Y.Deshmukh)

Date :- 11/08/2023.

2nd Jt. Civil Judge, Sr.Division, Karad.