

ORDER BELOW EXH No. 64.

The plaintiff has filed present application under Order VI Rule 17 of Code of Civil Procedure for amendment in pleadings. According to plaintiff, she has filed suit for perpetual injunction against defendant. But during pendency of the suit defendant No. 3 Pranav has transferred the 1 H-19 R land out of suit property by way of sale deed no. 2418/2026. The purchaser or proposed defendants are causing obstruction to the possession of plaintiff. Therefore, plaintiff intended to make party to that purchaser. The plaintiff further stated that if amendment is not allowed then plaintiff will not enjoy the peaceful possession of the suit property and she will suffer irreparable losses. It helps the court to settle the real question in controversy between parties. It will not change the nature of suit. Hence, she prays to allow the application. Defendant has filed her say at Exh No. 68. She stated that the plaintiff has filed false application. In application, it is not mentioned that in plaint at where which pleading is about to be amend. The application is vague and ambiguous. It will change the nature of suit. Therefore, She prayed to reject the application.

2) Considering, contentions and documents following points arise for my determination. I have recorded my finding thereon for reasons recorded thereunder.

Sr. No.	Points	Finding
1.	Whether the proposed amendment is necessary to determine real question in controversy between the parties?	Yes.

2.	What order?	Application is allowed.
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REASONS**As to Point No.1:-**

3) Perused the record and proceeding. The plaintiff has filed present suit for perpetual injunction against defendants. According to her the suit property is her ancestral property, therefore sale deed executed by defendant no. 3 of the suit property is not binding on her share. Record shows that during pendency of suit defendant No. 3 executed a sale deed. Therefore, execution of sale deed of suit property seems to be subsequent development in the suit. According to plaintiff the proposed defendant are causing obstructions to the possession of the plaintiff over the suit property. In such situation proposed amendment seems to be necessary. If amendment is not allowed then plaintiff is not able to prove her case and she also could not able to claim relief against proposed defendants. It also creates complications in trial. Therefore, proposed amendment seems to be necessary for complete and effective adjudication of suit. It will also help the court to come at right conclusion and also helps to pass executable decree. Moreover, if application is rejected then possibility of multiplicity of proceeding cannot be ruled out. Therefore, proposed amendment seems to be necessary. It helps to court to determine the real questions in controversy between the parties. For the reason noted above I answered point no. 1 in the affirmative.

As to point no. 2:-

5) For the reasons discussed above, present application

deserves to be allowed. Hence, I proceed to pass following order.

ORDER

- 1) The applications is allowed.
- 2) The plaintiff to carry out necessary amendments within statutory period and filed amended copies of the plaint on record.
- 3) Plaintiff to pay necessary court fees for relief sought by way of amendment.

Date: 17.04.2026

(Shri. A. S. Satote)

3rd Jt. Civil Judge J.D., Phaltan.