

ORDER BELOW EXH.NO.41 IN R.C.S.NO.246/2011

1. This is the application by plaintiff for amendment of pleadings as well as addition of parties.
2. Defendant no.1 filed his say below same application and resisted the application.
3. The Ld. advocate for plaintiff vehemently submitted that the defendant has raised contention in his written statement about non-joinder of necessary parties. Hence they proposed defendant nos.3 to 10 are required to be impleaded in the present suit. So also after filing of written statement plaintiff has come to know that on 20/12/2010 defendant nos.3 to 9 and defendant no.1 has executed sale deed in favour of defendant no.3. Therefore, the contention to that effect are required to be impleaded in the present suit. He prayed to allow the application.
4. The Ld. advocate for defendant vehemently submitted that the amendment sought is at belated stage. This application is filed only to delay the matter. Therefore he prayed to reject the application.
5. The present suit is for declaration. The written statement

filed at Exh.39 shows that defendants have resisted contention of non-joinder of necessary parties. Therefore, the prayer of plaintiff for impleading these defendants is required to be allowed. So also the contention in respect of execution of sale deed is also required to decide the matter finally and completely. In the present matter the trial is yet to be commenced no prejudice would be caused to the plaintiff if the amendment is allowed. On the contrary the amendment claimed by plaintiff is necessary to adjudicate the matter between the parties finally and completely and to avoid the multiplicity of the proceedings. Hence following order is passed :-

ORDER

1. Application is allowed.
2. Plaintiff is directed to carry out amendment till next date.

Vaduj.

(R.D.Chougale)

Date :- 20/02/2015.

4th Jt. Civil Judge, Jr.Dn.,Vaduj.