

R.C.S.No 67/2017

Shri. Ramchandra Vs. Kamal & ors.

CNR No. MHWR040005322017

**ORDER BELOW EXH. 23**

(Passed on 09/09/2019)

1. Plaintiff filed application under Order VI Rule 17 and under Order I Rule 10 of C.P.C. for amendment in plaint and addition of party. Plaintiff submitted that the defendant no.1 illegally showing herself as only legal heir of deceased Mangal Ingole and Rangubai Ingole prepared false affidavit. She recorded her name on property card and executed agreement to sale in favour of defendant no.5. The defendant no.1 without any right to alienate the suit property during pendency of this suit intentionally executed sale-deed of some portion of suit property in favour of Bharat Santoshrao Ghavghave and Sudhakar Mahadeorao Meshram, therefore, such sale-deed without consent of other legal heirs is illegal and not binding.

2. By proposed amendment, the plaintiff wants to insert para no. 14-A after para no.14 narrating the subsequent events taken place during pendency of the suit. Plaintiff also wants to insert prayer clause a(i) claiming declaration of sale-deed dated 02.04.2019 as void, ab initio and illegal and not binding and by prayer clause a(ii) prayed for permanent injunction against defendant no.6 from interfering with the possession of the plaintiff.

3. The plaintiff also wants to delete the name defendant no.5 Govinda Chindhuji Ghangare and wants to insert the name of proposed defendant no. 5 as Sudhakar Mahadeorao Meshram.

4. The defendants not filed their say to the application. Only after issuance of notice the proposed defendant no.5 Sudhakar Mahadeorao Meshram appeared and adjourned the proceeding for filing reply to the present application. The counsel for defendant nos. 1 to 4 also adjourned the proceeding for seeking instructions from them. On 26.08.2019 the defendant no.5 objected the application but not filed detail reply. Therefore, by order dated 26.08.2019, the application is kept for necessary order.

5. Today the plaintiff and his learned advocate appeared before the court. The defendants and their learned advocate not appeared when called repeatedly. It appears that the plaintiff wants to insert the subsequent development during pendency of the suit in respect of suit property in plot no.411 ad-measuring 409.85 sq. meter and therefore, the proposed defendant is appeared necessary party to decide the real controversy and rights between the parties. The another alleged purchaser Bharat Santoshrao Ghavghave is already on record as defendant no.6. The proposed defendant no.5 is appeared as necessary party. Hence, I pass following order.

**ORDER**

1. Application is allowed.
2. The proposed amendment be carried out within 14 days from the date of this order.
3. Costs in cause.

Date :09/09/2019

( A. G. Mhaskey )  
Civil Judge, Junior Division,  
Seloo

## Certificate

I affirm that, the contents of this PDF are same words for words, as per the original order.

Name of Stenographer : S.V. Made

Name of Court : C.J.J.D. & J.M.F.C., Seloo.

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