

Order below Exh.144 in RCS No.71/2012(old Spl.C.S.No.151/2001

1 Perused application and say on it at Exh.150. Heard, Adv. B.K. Chaure for plaintiff and Adv. B.V. Baste on behalf of defendants. Considering the same, it appears that, present suit is filed for cancellation of sale-deed in respect of suit property and also relief sought for the declaration. During the pendency of suit original plaintiff Mukund Vishwanath Thorat died, his LR's brought on record as per Exh.126. Thereafter, plaintiff No.1-D Ramesh Mukund Thorat died on 13.8.2011 and therefore, his LR's required to be added as a plaintiff on record. It is argued that proposed LR's have lawful interest in the suit property, therefore, they are necessary parties. Hence, they should be added in present suit, accordingly prayed for allow the application. On the other hand, objection raised by the defendants at Exh.150 by stating that present application is filed only for prolonging the matter unnecessarily. The contentions of application are false. Present application is filed for harassment. Lastly, application is liable to be rejected. Alternative prayed for application allowed on costs of Rs.5,000/-.

2 Considering the application and the nature of suit, it appears that, proposed LR's of deceased Ramesh Mukund Thorat having lawful interest in the suit property. Therefore, they are required to be added in present suit. Hence, to give fair opportunity to plaintiff the proposed amendment deserves to be allowed and proposed amendment in para 12-B is also deserves to be allowed. But the delay is caused by the plaintiff for proposed amendment will not be overlooked, for that costs should be imposed on plaintiff. Accordingly, I proceed to pass following order.

Order

- i) Application below Exh.144 for amendment is allowed, subject to costs of Rs.500/-
- ii) Plaintiff is directed to carry out proposed amendment within 14 days and also directed to file amended plaint within 14 days from the date of order.
- iii) Accordingly, application is disposed off.

Date: 13.11.2013
Dindori.

(M.I. Lokwani)
Civil Judge Junior Division,
Dindori.