

ORDER BELOW EXH-34

The instant application has been filed by the plaintiff for addition of parties under Order 1 R. 10 and for amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure.

2. The defendant strongly opposed the application and prayed to reject the application.

3. I have gone through the pleading of plaintiff suit brought for mandatory injunction with the relief that defendant No. 1 not to sold the fragment out of suit property either of third party of Jayaji Thakre who are not holder of gat number except plaintiff by directing to defendant No. 2 not to register the alienation of fragment either in favour of third party of gat number 113 of Jayaji Thakre without permission of defendant No. 3 which is required as per provision of prevention of fragmentation and consolidation act and rule and government resolution.

4. During pendency of suit defendant No. 1 along with 1 Kamlabai w/o Laxman Raut sold the fragment extend of 0.10 R of land without permission of defendant No. 3 to Parashram Ramchandra Thakre vide register sale deed dated 16.09.2016. The plaintiff further submitted in said application that the sale deed dated 16.09.2016 is unlawful void-ab-initio from the eyes of law the fragment is prohibited by the fragmentation and consolidation act.

5. Perused record. Heard both side. The suit is for mandatory injunction hence considering the nature of relief

claimed the purchaser of the suit property is necessary party. So also Kamlabai is also necessary party who sold the suit property to Parashram Ramchandra Thakre along with defendant No.1. Plaintiff have not come with a totally new case. Presence of the proposed defendants is necessary to effectively deal with the suit. By adding the proposed amendment in the plaint, it can not be said that the nature of the suit will be changed. By allowing the present application multiplicity of the proceeding can be avoided. Thus considering all these aspects, the application deserves to be allowed. Hence, I pass following order :

ORDER

- 1) Application is allowed.
- 2) The plaintiff is directed to add Kamalabai Laxman Raut and Parashram Ramchandra Thakre as defendant No. 4 and 5
- 3) The plaintiff shall carry out amendment within 14 days from today.
- 4) The plaintiff shall supply amended copy of the plaint for court record as well as for newly added defendants.
- 5) After aforesaid compliance issue suit summons to newly added defendants.

Date : 10/12/2021

(Smt. S. V. Phulbandhe)
Jt. Civil Judge (Sr. Division), Washim.

Certificate

I affirm that the contents of this P.D.F file Judgment/Order are same word to word, as per the original Judgment/order.

Court Name : Jt. Civil Judge (S.D.), Washim,
Dist.Washim.

Date : 10.12.2021.

Order signed by the presiding officer on : 10.12.2021.

Order uploaded on : 15.12.2021.

Order uploaded by : Mahesh S Takwale
(Stenographer Grade-III.)