



ORDER PASSED BELOW EXH.35
(Passed On 8th July, 2026)

Present application has been filed by plaintiffs under Order VI Rule XVII of the C.P.C.,1908 thereby seeking permission to make proposed amendment in their plaint and application for temporary injunction at Exh.5.

2. Perused application and say of defendant at **Exh.42** along with documents filed by both the parties on record. Also heard learned advocates appearing for respective parties.

3. Learned advocate for plaintiffs has submitted that plaintiffs have filed present suit for declaration and permanent injunction against defendant. It is further submitted that the suit property as described in Para 1(A) had been sold by Mr.Yunus Ayyub Ansari, Mr. Laxminaryana Shyamsundar Malpani and Mr. Brijmohan Shyamsundar Malpani to Mr. Jawahar Manakchand Deoda. The sale deed is registered on 01.10.2025 at Sr. No. 4985/2025. The said transaction had occurred during the pendency of the present suit. It is further submitted that the predecessors in title of Mr. Ynnus Ayyub Ansari, Mr. Laxminaryana Shyamsundar Malpani and Mr. Brijmohan Shyamsundar Malpani to Mr. Jawahar Manakchand Deoda had already given consent to obtain the permission from the Municipal Council, Karanja to plaintiff No.2. The said transaction occurred during the pendency of the present suit. Therefore, it is necessary to amend the plaint and application for temporary injunction at Exh.5 application.

4. It is further submitted that no prejudice will be caused to

the defendant if proposed amendment is allowed. There will be no change in the nature of the present suit. Hence, it is prayed by Learned advocate for plaintiffs that present application be granted thereby permitting the plaintiffs to make the proposed amendment in their plaint as well as in application for temporary injunction at Exh.5 as stated above.

5. On the contrary, Learned Advocate for defendant has strongly opposed the present application on the ground that the present application is totally false, concocted and filed only with an intention to continue the status-quo order till decision of present application. The Learned Advocate for the defendant has submitted that it is surprising that it is nowhere mentioned in para 1(A) of the plaint that who is landlord and who gave property on rent to whom. So also present suit is filed on 24.09.2025 and alleged sale deed is executed on 01.10.2025. It means immediately after 6 days of filing this suit, sale came to be executed. This attitude of plaintiffs are clearly goes to show that any how plaintiffs want to linger the proceedings and harass the defendant and restrained the defendant from performing its legal duty.

6. It is further submitted by the Learned Advocate for the defendant that as per present application it seems that now Mr. Jawahar Manakchand Deoda is became the owner of suit property. But surprisingly plaintiffs do not want to join him as plaintiff in as much as if present application is allowed and the application for temporary injunction is rejected, plaintiffs will have liberty and chance to file another suit through Mr. Jawahar Manakchand Deoda for permanent injunction along with temporary injunction.

7. The Learned Advocate for the defendant further submitted that if present application is allowed certainly it will change

the nature of suit. The alleged sale deed is executed intentionally during the pendency of suit. The plaintiffs and said Jawahar Manakchand Deoda are from the same family and it is not reliable that Jawahar Deoda had no knowledge about the pendency of filing of present suit by plaintiffs. Hence, learned advocate for defendant has prayed for rejection of this application.

8. Following points arise for my determination, I have recorded my findings thereon for the reasons discussed below.

<u>Sr.</u>	<u>Points</u>	<u>Findings</u>
<u>No.</u>		
1	Whether the proposed amendment deserves to be allowed ?	.. In the affirmative.
2.	What order ?	.. Application is allowed.

REASONS

As to point No.1 :-

9. I have perused record of the matter and also considered the submissions of learned advocates appearing for respective parties. It is pertinent to note here that by way of present application, plaintiffs only want to make proposed amendment in their plaint thereby incorporating the pleadings about the subsequent event i.e. sale transaction dated 01.10.2025 which came to be occurred during pendency of suit. Therefore, it is also necessary to bring said facts on record. In view of facts and circumstances of present suit, proposed amendment is necessary.

10. Moreover, proposed amendment will not change nature of suit. Moreover, trial of present suit is yet to be started. No prejudice will cause to the defendant if proposed amendment is allowed as

defendant will also get an opportunity of making consequential amendment in its W.S. Thus, I think it just and proper to allow the application. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Plaintiffs shall carry out the proposed amendment within stipulated period and shall file the copy of amended plaint till next date.

Date – 08/07/2026.

(S. W. Thombre)
Civil Judge (Sr.Dn.),
Karanja (Lad).

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- D. V. Daware (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 08/07/2026
- 4) Order signed by the
presiding officer on :- 08/07/2026
- 5) Order uploaded on :- 08/07/2026