

ORDER BELOW EXHIBIT 13 IN RCS No. 54/2014

01. The application exh.13 is filed by plaintiff to amend and add party in plaint and application of interim relief.
02. Perused the say filled by Defendant. Heard advocate Mr. S.B. Jadhav for plaintiff and Advocate S.B. Naik for defendant.
03. Following points are arise for my determination and I record my findings thereon are as under :-

Sr.No.	Points	Findings
01	Whether application to amend and add party is to be allowed ?	Affirmative
02	What order ?	Application is allowed.

REASONS

AS TO POINT No. 1 & 2 :-

04. In the present application plaintiff wants to amend and add party in plaint and application of interim relief on the ground that on 30/07/2014 during the pendency of suit defendant has executed sale deed of suit property in favour of Manoj Kishorilal Jaiswal. Plaintiff wants to add to Manoj Kishorilal Jaiswal as defendant. Moreover plaintiff wants to amend the application of interim relief and plaint in relation to sale of suit property. Plaintiff also want to claim the relief of declaration that said sale deed is not binding over him. Accordingly, plaintiff wants to amend and add party.

05. As per provision of O 6 Rule 17 the amendment in pleading can be allowed whenever necessary to adjudicate the real question in controversy between parties. Such amendment can be allowed before the commencement of trial. In the present suit issue have to be been framed. trial of suit is not commenced. Present suit is file for the relief of specific performance of contract. Caused of action of the relief of declaration of non binding is arose after the institution of suit. Therefore this amendment will not change the nature of suit. Moreover it will not prejudice to defendant. In order to adjudicate real controversy between the parties on merit and in the interest of justice such amendment and add parties is required to be allowed. Hence I record my finding as to point no. 1 in the affirmative and in the result of point no. 2 I proceed to pass following order.

ORDER

01. Application Exh. 13 to amend plaint, application of interim relief and add party is allowed as prayed.
02. Plaintiff is allowed to amend and add party in plaint as prayed within 14 days from today..
03. Plaintiff to file amended copy on record.

Date : 03/08/2015

(Pavan H. Bansod.)
Jt.Civil Judge, J.D. Umarkhed
Dist. Yavatmal