

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4756 OF 2025

Deepak Machindra Kaldharam

VERSUS

Minakshi Prakash Kuldharam And Others

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Advocate for the Petitioner : Mr. Shermale K. N.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 27, 2025

PER COURT :-

1. The petitioner seeks to challenge order dated 04.03.2025 passed by learned Civil Judge, Junior Division, Sangamner below Exhibit-44 in Regular Civil Suit No.1243 of 2019, whereby the application filed by petitioner seeking amendment in plaint has been rejected.

2. Heard Mr. Shermale, learned advocate appearing for petitioner.

3. Mr. Shermale relying upon the law laid down by Hon'ble Supreme Court in case of **Life Insurance Corporation of India Vs. Sanjeev Builders Private Limited and Another in Civil Appeal No.5909 of 2022 decided on 01.09.2022**, endeavours to convince this Court that amendment as sought vide application below Exhibit-44 was necessary for final adjudication of dispute between the parties, so also to avoid multiplicity of litigation.

4. Perusal of plaint in suit would show that the petitioner/plaintiff is contending that sale deed dated 17.10.2006 was executed by him towards security of loan of Rs.15,000/-. Further the said amount is already returned to defendant, therefore, the defendant shall repatriate the property in favour of plaintiff.

5. The application below Exhibit-44 shows that plaintiff seeks permission to add parties to suit whose names are reflected in record of rights of suit property in other right column. In this background, the Trial Court observed that proposed amendment need not be allowed. The parties or the persons who are sought to be added as defendants are not necessary parties. Their presence is not required for effective adjudication of suit.

6. Considering submissions advanced and reasons as recorded by the Trial Court in impugned order, it is apparent that application for amendment is filed simply with an intention to prolong the proceeding in suit. Looking to the contentions in plaint and prayers, only the parties to sale deed of 2006 are necessary parties. However, on the basis of alleged entries in other right column proposed parties are sought to be added and application is made seeking amendment.

7. The Trial Court is justified in observing that addition of such parties would not be necessary as they are neither necessary nor proper parties for adjudication of dispute.

8. In that view of matter, there is no merit in writ petition. Writ petition stands rejected. Needless to observe that if proposed parties have any independent right, they are at liberty to prosecute their remedy as available under law without impeded by this order.

(S.G. CHAPALGAONKAR, J.)