

Reg Civil Suit No.242/2015
Rajani Ashok Waghmare.V/s.
The Manager, District Agrani Bank + 2
C.N.R.No.MHWR02001238-2015

Order Below Exh. 50
(Passed on 13-01-2020)

1. This is an application by plaintiff for permission to add the party i.e. State of Maharashtra in the plaint.

2. Perused application and say. Heard, learned advocate for both the sides. I have given thoughtful consideration to the submissions of both the sides. In the present matter, the application of plaintiff for addition of party i.e. State came to be allowed by my learned Predecessor on 10-08-2018. But till today, the plaintiff has not add State as a party to the suit. Now by filing present application, plaintiff seek permission for compliance of order dated 10-08-2018. The defendant has strongly opposed the application and prayed for dismissing the suit of plaintiff for the reason that plaintiff has not explained any due reason and due diligence.

3. It is seen that no appropriate and cogent reason is mentioned by the plaintiff for non-compliance of order dated 10-08-2018. It is further seen that the application is filed at belated stage. But in my opinion, only because of the same, the present application could not be rejected.

4. It is well settled principle of law that procedure is hand-made of justice and it is essentially meant to advance justice.

Too technical approach should not be allowed to defeat substantive rights or to cause injustice. Procedure, a hand-maiden to justice, should never be made a tool to deny justice or perpetuate injustice, by any oppressive or punitive use

5. In view of the said discussion and to decide the matter on merit and in the interest of justice the application needs to be allowed. No prejudice will be caused to the defendant, if the present application is allowed. Further, costs needs to be imposed on the plaintiff for delaying the matter. Considering all the aspects of the matter, I pass following order.

ORDER

1. Application Exh.50 is hereby allowed subject to costs of Rs.500/-.
2. The plaintiff is directed to add the party i.e. State in the plaint as prayed for within 07 days.

Wardha
Dated:- 13-01-2020

(Smt. R. R. Lohiya)
6thJt.Civil Judge (Sr.Dn.),
Wardha.

C E R T I F I C A T E

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

Name of the Stenographer	:-	Sau.S.M.Kesharwani
Name of the Court	:-	6 th Jt.Civil Court (Sr.Dn.), Wardha
Date of Order	:-	13-01-2020
Order signed by the Presiding Officer on	:-	13-01-2020
Order uploaded on	:-	13-01-2020