

ORDER BELOW EXH.06 IN Civ M. A. NO. 45/2022
(CNRMHAH1900 1678 2022)

01. Applicant has filed this application under Order VI Rule 17 of C.P.C. for amendment in the application. It is submitted that the instant miscellaneous application is filed for grant of heirship certificate. The applicant has submitted that his father Trimbak Aba @ Abaji @ Abasaheb Ghule died on 13/08/2022. The instant application is filed for grant of heirship certificate to enter their names to 7x12 extract and other properties. But, in the prayer clause the applicants have mentioned their father's name as Trimbak Abasaheb Ghule instead of Trimbak Aba @ Abaji @ Abasaheb Ghule. Hence, name of his father needs to be corrected accordingly in the prayer clause of the instant application. Applicant further submitted that the amendment sought is formal in nature and it will not change the nature of the application. Hence, application be allowed. The application is supported with affidavit.

02. Say of non applicants was invited on instant application. Non applicants filed their say overleaf and stated that the amendment sought is favourable to both the parties. Hence, necessary order may please be passed.

03. Heard both sides at considerable length. Perused record.

04. The present miscellaneous application is filed under section VIII of Bombay Regulation Act for grant of heirship certificate. The matter is for taking further steps. Public notice and citation notice are yet to be served. The applicant has prayed to correct the name of his father. The amendment sought is formal in nature. On perusal of record it seems that the non applicants are daughters of deceased Trimbak Abasaheb Ghule. It shows that the applicant and non applicants have filed instant application

in collusion with each other. The non applicants have given their no objection for amendment in the name of the deceased Trimbak. The amendment sought is formal in nature. No prejudice will cause to any party, as the amendment is only to correct the name of deceased Trimbak. The nature of the miscellaneous application will not change by the proposed amendment. Therefore, application deserves to be allowed. Hence, I pass the following order.

ORDER

- (01) Application is allowed.
- (02) Applicant is directed to carry out amendment as prayed within 14 days from this order.

Place : Shevgaon
Date : 22/11/2022.

(S. U. Jaguste)
Civil Judge Junior Division,
Shevgaon.