

ORDER ON IA NO.3 FILED

U/O 6 RULE 17 CPC

IA No.3 is by the plaintiff U/o 6 rule 17 of CPC with a prayer to permit the plaintiff to amend the plaint as per proposed amendment. In the accompanying affidavit it is contended that, the defendant No.5 in the para No.4 of written statement has taken a specific contention that, 20 tolas of gold belonged to his mother Parvati W/o Mallamma is with the defendant No.2, since this is the suit for partition and separate possession, parties to the suit are having share in the said 20 tolas of gold, in view of the same it is just and necessary to amend about the said fact in the plaint as per the proposed amendment, if the application is not allowed, plaintiff will be put to hardship and it leads to multiplicity of litigation and prayed to allow the application as sought for.

Objections are not filed to the present application inspite of opportunities given to the defendants.

Heard and perused the records.

On perusal of the para No.4 of the written statement filed by defendant No.5, he has contended that, after the death of his mother, 20 tolas of gold belonged to his mother is with defendant No.2. In view of the said fact, it is just and necessary to permit the plaintiff to amend the plaint as sought for since the suit is for partition and separate possession. In case the

application is not allowed, it would cause hardship to the plaintiff. Hence IA No.3 filed U/o. 6 Rule 17 of CPC is hereby ***allowed***.

Plaintiff is permitted to amend the plaint as sought for in the application.

Counsel for plaintiff to amend the plaint and file amended plaint.

Call on: 16.08.2024

Prl Civil Judge & JMFC
Shahapur