

**IN THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC, SHAHAPUR**

Dated this the 11th day of February-2026

Present: Smt. Hema Pastapur, B.A.,L.L.B.

SENIOR CIVIL JUDGE & JMFC, SHAHAPUR

OS No.213/2022

Plaintiff: Shri. Sharanappa

(By Sri.M.N.P., Advocate)

Defendants: Shri. Surayya Begum and others.

(Defendant No.1 to 3- Exparte)

Proposed Defendants No.4 to 6 :

Smt. Syed Babar and others

**(Proposed Defendants No.4 to 6 by Sri.
MSD Advocate)**

IA No.IV

Dated: 18-11-2025.

Objections filed on 03-01-2026

Disposal off IA No.IV dated 11-02-2026

ORDER ON I.A NO.IV

1. That, the Plaintiff has filed the application Under Order VI Rule 17 of Civil Procedure Code, with a prayer to permit him to carry out the following proposed amendments in his plaint.

“Proposed Amendment-

That, in the above case at the time of filing the suit against the defendant No.1 to 3. Thereafter, the defendant No.4 to 9 are joining this suit, hence the deleted the defendant No.1 to 3 be added as defendant No.1 to 9 in above said paras.

2. That, the plaintiff in his application has contended that the defendants No.4 to 9 are also the sons and daughters of defendant No.1. Hence, it is very much necessary to implead them and it is very much necessary to delete the names of the defendant no.1 to 3 and add as defendants No.1 to 9.

3. That, the defendants No. 4 to 6 have filed their detailed objections and I have gone through the same.

4. That, I have heard arguments and perused the materials placed on record.

5. That, the following points arise for My consideration and determination are as under :-

1. Whether the plaintiff has made out the grounds that the alleged amendments are necessary for deciding the real question in controversy between the parties?

2. What order?

6. That, My answer to the aforesaid points are as under :-

Point No.1:- In the **AFFIRMATIVE**.

Point No.2:- As per the final order for the following :-

:- R E A S O N S :-

7. **Point No.1:-** That, the plaintiff is seeking to carry out the alleged amendments in his plaint.

8. It is to be noted here that, the Order VI Rule 17 of CPC is that, all the amendments ought to be allowed which satisfy the two following conditions:-

- a) of not working injustice to other side.
- b) of being necessary for the purpose of determining the real questions in controversy between the parties.

9. It is to be noted here that, rules of procedure are intended to be handmaid to the administration of justice. A party cannot be refused relief merely because of some mistake, negligence, inadvertence or infraction of the rules of procedure. That, the Court always allows amendment unless it is satisfied that there

was malafides or blunder which had caused injury to the other side and which could not be compensated by costs.

10. It is to be noted here that, from perusal of the said amendments sought by the plaintiff it clearly appears that neither it changes the nature of the case nor causes hardship to the other side. Hence, the said application is deserves to be allowed. Hence, I answer point No.1 in **AFFIRMATIVE**.

11. **Point No.2:-** That, as discussed on point No.1, I proceed to pass the following :-

:- O R D E R :-

That, the application filed by the plaintiff Under Order VI Rule 17 of CPC -IA No.IV is hereby allowed on cost of Rs.300/-.

That, the plaintiff is permitted to carry out the alleged amendments as prayed for and file amended plaint.

(Directly dictated to the typist-copyist, typed by him, corrected by me and then pronounced in the open Court on this 11th day of February-2026).

(Hema Pastapur)
Sr. Civil Judge & JMFC,
Shahapur.