

**Order below Exh.30 in RCS No.73/2019**

This is an application filed by plaintiff under Order 6 Rule 17 CPC for granting permission to carry out proposed amendment in the plaint on the grounds mentioned in the application. Defendants failed to file their say at **Exh.51** and raised strong objections. Perused application and say. Heard both the sides.

2. Record shows that plaintiff has filed this suit for partition and separate possession. Defendants have contested the claim by filing their WS at **Exh.33**. Issues are framed at **Exh.49** on 08/07/2025. However, this application at **Exh.30** was pending since 20/06/2019. By way of this application plaintiff wants to mention proper description and four boundaries of suit property 1E and also wants to include other joint family properties in the suit which were not within her knowledge at the time of institution of the suit. In support of this application, plaintiff has filed photocopies of sale deeds of those properties which she wants to add in the present suit. To counter this, defendants have filed certified copy of M.E.No.14940 at list below **Exh.55/1** to show that the defendants have created third party interest in the properties which the plaintiff wants to add in the suit.

3. After perusing the photocopies of sale deeds it can be seen that the properties were purchased way back in the year 1994 and 1995 and this application is filed in the year 2019. The mutation entry No.14940 is certified recently and thus, an inference can be drawn that defendants were aware of the pendency of present application and despite this, they went on to create third party interest in it. Considering the nature of suit, I am of the view to allow the application because the entire dispute between plaintiff and defendant will be decided in a single suit. In addition to this, the proposed amendment is not going to change the nature of suit. Hence, I pass following order:-

**ORDER**

1. Plaintiff is hereby permitted to carry out proposed amendment in the plaint, as sought.
2. Plaintiff shall supply copy of amended plaint to the Court and defendants at the earliest.
3. Defendants are at liberty to file their additional WS.
4. Plaintiff shall pay requisite Court fee according to her share in the properties which are added by way of present application.
5. No order as to costs.

Date : 03/11/2025

(Ashish B. Marlecha)  
Civil Judge Senior Division,  
Shrirampur, Dist. A.Nagar.