


MHAH050005852018 	<u>ORDER BELOW EXH.53 IN R.C.S. NO.</u> <u>181/2018.</u> <u>Shantabai @ Vimal Vishwanath Pawar & Ors.</u> <u>Vs.</u> <u>Ek Nath Maruti Rajput & Ors.</u>
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This is plaintiffs suit for partition and separate possession against deft. nos. 01 to 07, in respect of suit landed properties, filed in year 2018. In his suit plaintiff has moved the application for amending the plaint with affidavit(Exh.54), which is strongly objected by contesting deft nos. 02 to 04.

02. Plaintiff avers that during the pendency of the suit, deft. no. 01 has executed one notarized will-deed in favor of plff. no. 02, on dtd. 24.06.2022, and after his demise plaintiffs came to know about the will in favor of plff no. 02, in respect of suit properties. On count of this will-deed plaintiff proposes to amend the plaint.

03. Defendants in their say have contended that the application is not legally tenable and that the will-deed is not legal. They pray for rejection of the application.

04. As the will-deed is executed on 24.06.2022, which appears from plaintiff's application(Exh.49), same has been executed during the pendency of the suit, which is pending since year 2018. As the execution of the will-deed is a subsequent event, occurred during the pendency of the suit, the fact has to be impleaded in the plaint along with requisite claim, which plaintiff proposes to implead.

05. In view of the above discussed facts, towards complete and meritorious adjudication of the suit, this application is entitled to be allowed. Hence, I pass the following order. :-

ORDER

- 01 Application is allowed.
- 02 Plaintiff to carry out requisite amendment within a period of one week from the date of order.
- 03 No order as to costs.

(Vinay B. Kamble)
Jt. Civil Judge Sr. Division,
Shrirampur.

Date: 28/07/2023

