

Order below Exh.84 in RCS No.181/2018

This is an application filed by plaintiffs under Order 6 Rule 17 CPC for granting permission to carry out proposed amendment in the plaint by which plaintiffs wants to incorporate an additional property in the suit as suit property, on the grounds mentioned in the application. Defendant Nos.2 & 4 to 6 have raised objections. Perused application and say. Heard both the sides. Record shows that plaintiffs have filed this suit for partition and separate possession in respect of suit properties described in para No.1 in the plaint. Plaintiffs have contended that the two suit properties mentioned in the plaint are ancestral properties and they have their undivided share in it. Defendant Nos. 2 & 4 to 6 have filed their WS at **Exh.25** and contested the claim of plaintiffs.

2. From the contents of application it seems that another property, which as per plaintiffs is ancestral property, is not included in the suit and therefore, considering the nature of suit the said property requires to be included. In support of this application plaintiffs have filed documents at list below **Exh.83** and after perusing these documents it appears that *prima facie* the property which the plaintiffs wants to include by way of amendment is related with their family. However, there is delay in filing present application but considering the nature of suit, reliefs claimed and the fact that plaintiffs are women, I am of the view to permit plaintiffs to include the said property in the suit. No prejudice will be caused to defendant Nos. 2 & 4 to 6 because in case, if the said property is held as ancestral property then they will also get their share in it. In addition to this, the proposed amendment is not going to change the nature of suit. Hence, I pass following order.

ORDER

1. Plaintiffs are hereby permitted to carry out proposed amendment in the plaint, as sought.
2. Plaintiffs shall provide the copy of amended plaint to the Court and for contesting defendants at the earliest.
3. The contesting defendants are at liberty to file their additional WS.
4. Plaintiffs shall pay requisite Court fees as they are permitted to add on more property to the suit.
5. No order as to costs.

Date :11/09/2025

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Shrirampur, Dist. A.Nagar.