

MHAH170004952020



ORDER BELOW EXH. 56.

By present application, the applicant/original plaintiff is seeking an amendment to the plaint under Order VI Rule 17 of the Code of Civil Procedure.

02. It is submitted that during the pendency of the suit, Defendant No. 1, Raosaheb Kisan Bansode, passed away. After his death, the plaintiff acquired knowledge that the deceased Defendant No. 1 had executed a will deed dated December 1, 2021, bearing registration number 5161/2021, in favor of Defendant No. 7, 9 and 4

03. Since the plaintiff received this knowledge, she immediately preferred the present application. The plaintiff further submitted that the alleged will deed is illegal and forged, and is not admissible against the plaintiff. In view of such subsequent development, the plaintiff intended to bring that fact by way of a proposed amendment, as well as to add an additional prayer, i.e., Prayer Clause 1A, thereby seeking a declaration that the said will deed is not binding on her. On that basis, it is prayed that the application be allowed.

04. Defendants, by say at Exhibit 60, objected to the application. It is submitted that the contents of the application are false. The will deed

executed in favor of the defendant is a lawful document. The proposed amendment will change the nature of the suit. On that basis, it is prayed that the application be rejected.

05. Heard the learned counsel for the plaintiff. None are present for the defendants to argue the application. Perused the record. According to the plaintiff, the plaintiff gained knowledge about the will deed after the death of Defendant No. 1. Now, in pursuance of subsequent development, the plaintiff intends to assail the validity of that will deed for proper adjudication. The record also shows that the present suit is for partition and separate possession. Therefore, any interest accrued by the defendant regarding the suit property needs to be considered for complete adjudication. For this purpose, the proposed amendment is found necessary. Hence, it is necessary to allow the application. Accordingly, I pass the following order:

ORDER

1. The application is allowed.
2. The plaintiff is permitted to carry out the necessary amendment as prayed within the statutory period.
3. The plaintiff is also directed to value the suit in view of the additional prayer clause and pay the appropriate court fees accordingly.

Place : Rahata
Date : 16/07/2025

Sd/-
(Santosh R. Bharad)
2nd Jt. C.J.J.D. Court No.2
Rahata

CERTIFICATE

“I affirm that the contents of this P. D. F. File of order is word to word as per original order.”

Name of Stenographer : S. D. Kaspe

ENDORSEMENT

Case argued on	:	16/07/2025
Order dictated on	:	16/07/2025
Transcription ready on	:	16/07/2025
Order Checked and signed on	:	16/07/2025